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Sexual Assault Legislation in Canada An Evaluation

An Analysis of National Statistics

Report No. 4

SEXUAL ASSAULT LEGISLATION IN CANADA

AN EVALUATION

An Analysis of National Statistics

Report No. 4

Julian V. Roberts

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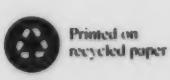

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PREFACE AND ACKNOWLEDGMENTS

This report was written for the Department of Justice Canada in April, 1990. The terms of reference were:

1. To analyze Canadian Centre for Justice Statistics data on sexual assault provided by the Department of Justice and/or in the annual Statistics Canada publication, Canadian Crime Statistics.

2. To prepare tables and write a report.

I would like to acknowledge the assistance of Raymonde D'Aoust-Ramos, the Canadian Centre for Justice Statistics, as well as the following individuals who provided comments on an earlier version of this report: Adelyn Bowland, Candace Brookbank, Kwing Hung, Dorothy Hepworth, Scott Clark, John Fleischman, Carolina Giliberti (Department of Justice Canada), Patricia Lindsey (Status of Women Canada), and Duncan Chappell (Simon Fraser University).

SEXUAL ASSAULT STATISTICS

REPORT HIGHLIGHTS

REFORM OF THE CANADIAN LAW RELATING TO OFFENCES OF SEXUAL AGGRESSION

* Reforms of laws governing sexual offences have occurred in the United States and elsewhere for the past 20 years. In the wake of this legislative activity researchers have evaluated the reform legislation to learn how to improve the criminal justice response to offences of sexual aggression.

* In Canada on January 1, 1983, the Criminal Code was amended. The offences of rape, attempted rape and indecent assault were replaced by the three offences of sexual assault (s. 271); sexual assault with a weapon (s. 272) and aggravated sexual assault (s. 273). (Throughout this report these three offences are referred to as Sexual Assault I, II and III). As well, a number of changes were introduced to improve the treatment of victims of sexual assault, and to change the way cases of sexual assault are processed by the criminal justice system (i.e., the reports that remain after incidents classified as unfounded have been removed).

DEPARTMENT OF JUSTICE EVALUATION RESEARCH

* The Department of Justice Canada has conducted a series of research studies to examine the effects of the legislative reforms introduced in 1983. These studies have examined the processing of sexual assault cases, the perceptions of key participants in the criminal justice system, the sentencing patterns in cases of sexual assault, and the case law that has emerged since 1983 (see Appendix B for a list of publications). This report presents national statistics relating to sexual assault in Canada. Specifically, this study examines the incidence of reports of sexual assault; the unfounded rate (i.e., the percentage of reports declared to be without foundation); the incidence of actual offences; and the rate of actual offences that result in laying a charge against a suspect. The data are all derived from the Uniform Crime Reporting (UCR) database administered by the Canadian Centre for Justice Statistics (part of Statistics Canada). They focus on the period of 1976 to 1988, but particularly the six years since the passage of Bill C-127 (1983-1988). As well, this report presents comparative statistics for other offences against the person.

INCIDENCE OF REPORTS OF SEXUAL ASSAULT IN CANADA

* Since 1983 there has been a steady increase in the number of sexual assaults reported to police. The number of reports in 1988 (29,111) is 127 per cent higher than the number in 1982 (12,848). This is significantly higher than the increase in the incidence of nonsexual assaults reported to the police. As well, the total number of reports in 1983 represents a substantial increase over the number of reports of incidents of sexual aggression (i.e., rape and indecent assault) prior to 1983. There was little change in the number of reports made in the five years preceding the reform legislation.

* It is likely that the reform legislation is in part, at least, responsible for the increase in reporting rates. However, other factors may also have had an effect. There has been an increase in the number of sexual assault crisis centres as well as special units within police forces to handle cases of sexual assault. As well, the general social climate has changed, making it less traumatic for victims to come forward and report victimizations to the criminal justice system.

* The vast majority (95 per cent) of sexual assault reports to police in 1988 were classified as Sexual Assault I. Moreover, the percentage of all sexual assault reports classified at the first level of seriousness has steadily risen over the past five years. In 1983, the first year affected by the reform legislation, Sexual Assault I accounted for 88 per cent of all reports of sexual assault.

* The increase in reporting has not been uniform across the three levels of sexual assault. In fact there has been a substantial reduction in reports classified at the most serious level (aggravated sexual assault) since 1983. There has been a slight (13 per cent) increase in reports of Sexual Assault II (sexual assault with a weapon).

* Thus the reform legislation appears to have had the effect of attracting a greater proportion of victims into the criminal justice system. An important reason for this appears to be a change in victims' attitudes: they seem more willing to report crimes. This conclusion is supported by the results of recent research on public attitudes reporting sexual assaults.

* It is important to note that the increase in reporting is not consistent across the country. The patterns of sexual assault reporting vary greatly in different provinces/territories. In some jurisdictions the pattern of increase matches the national trend while in others it assumes a very different form.

* It is not just the rate of increase in reporting that varies across the country. The incidence of reporting varies considerably as well. Analysis of reporting rates

reveals substantial variation across jurisdictions in Canada. For the most recent year for which data were available (1988), the sexual assault rate per 100,000 individuals varied from 594 in the Northwest Territories to 57 in Quebec.

UNFOUNDED RATES

* After a preliminary investigation, some reports of crimes are determined by the police to be unfounded. There has been little change since 1983 in the proportion of reports of sexual assault declared unfounded. The most recent data reveal an unfounded rate of 15 per cent for all levels. There is little variation in this rate across the three levels of sexual assault. However, the unfounded rate for sexual assault is higher than the comparable statistic for nonsexual assaults or for the broader category of all offences against the person.

* As with reporting rates, there is substantial cross-jurisdictional variation in the unfounded rate for sexual assault. Thus, the average unfounded rate in Quebec for the six year period 1983-1988 was 6.6 per cent, while for the Yukon it was 29 per cent.

* There has been a significant decline in the unfounded rate of aggravated sexual assault, from 20 per cent in 1983 to 11 per cent in 1989. This fact should be coupled with the decline in the number of reports of sexual assault classified as aggravated sexual assault. Together they suggest police officers may be classifying difficult[1] cases of aggravated sexual assault as Sexual Assault I.

CLEARED-BY-CHARGE RATES

* The final statistic examined in this report is the percentage of offences that are cleared-by-charge. This means that an information was laid against a suspect. The most recent data available (1988) reveal that, across Canada, 49 per cent of the reports of sexual assault deemed founded were cleared by laying a charge. This rate has risen since 1980, when it was only 37 per cent. However, since the clearance rates for several other offences involving violence have increased over the same period, it is unlikely that the change in the clearance rate of sexual assault offences is due to the 1983 reform legislation.

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[1] By difficult, I mean cases which, for various reasons, are going to be hard for the Crown to prove.

- The clearance rate for sexual assault is higher than the clearance rate for nonsexual assault (49 per cent versus 47 per cent in 1988).

- There is a systematic trend for the clearance rate of sexual assault offences to rise with the seriousness of the crime: In 1988, 60 per cent of aggravated sexual assaults were cleared by the laying of a charge. Only 48 per cent of Sexual Assault I offences were cleared by charge.

- As with other statistics examined in this report, there was substantial variation across Canada in the rates by which offences were cleared by charge. In British Columbia, in 1988, 42 per cent of offences were cleared by the laying of a charge. In Newfoundland the rate was 67 per cent.

CLEARED "OTHERWISE"

- In 1988, 20 per cent of actual offences of sexual assault were defined as being cleared "otherwise". That is, one case out of five was cleared without the laying of a charge. This is lower than the comparable statistic for nonsexual assault, 33 per cent.

1.0 INTRODUCTION AND BACKGROUND

1.1 Introduction

In 1983, several reforms to the Criminal Code were introduced. Their general purpose was to address a number of problems surrounding the reporting of crimes of sexual assault, and the treatment of those reports by the criminal justice system.[1] The 1983 legislation, Bill C-127, was the legislative response to research and writing on the earlier offences of rape and indecent assault. As with most rape reform bills (see Marsh, 1988), C-127 had several goals. It attempted to promote victims' confidence in the criminal justice response to a report of sexual aggression. One of the impediments to the reporting of sexual assaults has been negative victims' attitudes towards the criminal justice process. A second aim was to improve the judicial processing of sexual assault cases. In 1985 the Department of Justice Canada launched a research initiative to determine whether, and to what extent, these goals had been realized (see Begin, 1987; Clark, 1990, for further details). Studies were initiated on many aspects of the issue of sexual aggression. This report is the result of one of those studies: it examines national data on several key criminal justice statistics, namely the rates of reporting, founding and clearing by charge. (These statistics will be fully defined and explained later in the report.)

1.2 Sexual Assault Law Reform (Bill C-127)

Principal changes effected by Bill C-127 included replacing the offences of rape, attempted rape and indecent assault (male and female) by a new tripartite classification of sexual assault. The new sexual assault offences are:

a) sexual assault (s. 271);

b) sexual assault with a weapon, threats to a third party or causing bodily harm (s. 272);

c) aggravated sexual assault (s. 273).

(See Boyle, 1984; Watt, 1986 for a full discussion of the new offences in relation to previous crimes of sexual aggression.)

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[1] This report does not discuss problems with the previous legislation. See among others, Clark and Lewis (1977).

Throughout this report, for brevity, the three offences of sexual assault will be referred as Sexual Assault I, II and III. The maximum penalties for the new offences are (respectively) 10 years, 14 years and life imprisonment. Under the new law, it became possible to lay a charge against the spouse of a victim. In addition, important changes were made to the way in which cases of sexual assault would be processed by the judicial system. For example, evidentiary requirements were amended to eliminate examination of the complainant's previous sexual history. As well, the doctrine of recent complaint was abolished, and corroboration was no longer required to secure a conviction for the offence of sexual assault (see Begin, 1987, and Snider, 1985, for further discussion of the origin and nature of Bill C-127).

In short, the 1983 Canadian legislation introduced a number of substantial reforms. In fact, Bill C-127 went much further in reforming the treatment by the criminal justice system of victims of sexual aggression than did similar rape reform efforts in the United States or Great Britain (see Marsh, 1988, for a discussion of American reforms; Adler, 1987, for a description of rape law reform in Great Britain; Cunliffe, 1984, for material on New South Wales; and Barrington, 1984, for information about New Zealand).

1.3 Aims of Bill C-127

The multidimensional nature of the reform legislation indicates that it aimed to address a number of problems. As Begin (1987) notes:

> . . . the sexual assault legislation was intended to have an impact on a host of behaviours. They include victim reporting behaviour and experiences with the criminal justice process; criminal justice system practitioners' handling and processing of sexual assault complaints and cases; the behaviour of potential assailants and attitudes. (p. 21)

Whether these aims have been realized (and to what extent) is an empirical question. If the 1983 reform legislation was successful, the results should be detectable in statistical terms. This report summarizes data relating to the aims of the reform legislation. Specifically, it examines statistics relating to the reporting, founding and changing trends since 1983.

1.4 Department of Justice Evaluation Research

It is not possible to evaluate all the effects of a complex piece of legislation by studies conducted just a few years after the change in law. The Department of Justice initiative should be seen more as the first phase of an ongoing evaluation. Continued research on the reporting and treatment of crimes of sexual aggression is necessary; all the imperfections of the criminal justice system cannot be resolved by a single legislative reform, even one as comprehensive as Bill C-127. The results of the research initiative to date have provided preliminary answers to some important questions relating to sexual assault. Other Department of Justice publications contain information on the treatment of sexual assault derived from in-depth studies of several sites across Canada. As well, other reports deal with the perceptions of front-line agencies (CS/RESORS Consulting Ltd., 1988), sentencing patterns (Roberts, 1990) and the case law that has evolved since 1983 (see Rowley, 1990). (A complete list of all reports emanating from the sexual assault evaluation initiative is contained in Appendix B.)

1.5 Issues Covered in this Report

This report addresses three critical issues: the reporting rate of sexual assaults, the determination of incidents by the police as founded, and the percentage of incidents that are cleared by charge.

1. Reporting Rates

A report of a crime is recorded whenever someone calls the police and states that an offence has been committed. (The exact offence under which a report is recorded may not be determined until later, after an "on-the-scene" appraisal -- see Canadian Centre for Justice Statistics, 1988.) One critical aim of the new legislation was to improve victims' attitudes to the criminal justice system, making them more likely to report victimizations. Prior to the reform legislation, these attitudes contributed to a low reporting rate for crimes of rape and indecent assault. Estimates vary, but research in Canada and elsewhere in the late 1970s and early 1980s found that most incidents of sexual aggression were not reported to the criminal justice system. For example, the Canadian Urban Victimization Survey (1985) found that only 38 per cent of incidents of sexual aggression were reported to the police. (The survey was conducted in 1981, accordingly the relevant offences were the following: rape, attempted rape and indecent assault -- male and female.)

There are several reasons why victims might not report victimizations, but an important one, cited by 44 per cent of respondents to the victimization survey, was the anticipation of a negative response by police and judicial officers. Moreover, victims of sexual assault were more likely than victims of nonsexual assault to cite this as a reason for not reporting to the police. An increase in reporting was therefore anticipated as a result of the 1983 reforms. Accordingly, examination of reporting statistics should reveal an increase in reports of sexual assault since 1983. One of the questions this report addresses, therefore, is: Has the number of incidents of sexual assault reported to the police increased since 1983?

2. Founding Rates

Once an incident has been reported to the police, a preliminary investigation is conducted, as a result of which a certain number of the reports will be classified by the police as unfounded (see Canadian Centre for Justice Statistics, 1988, p. 17). According to "Excerpts from the Uniform Crime Reporting Manual" (Canadian Centre for Justice Statistics, 1988a, p. 24), unfounded means police investigation has established that a crime did not occur or was not attempted. Offences are not deemed unfounded because a victim refuses to prosecute. The process by which some reports of sexual assault are classified as unfounded will be described in greater detail later.

The founding rate for the earlier offence of rape was lower than the comparable statistic for other crimes of violence such as assault or homicide. In 1982, the last year before the reforms were introduced, the founding rate for rape was 70 per cent. For assault it was 94 per cent.

Since one of the aims of the new legislation was to emphasize the assaultive nature of crimes involving sexual aggression, it was anticipated that the percentage of sexual assault offences declared unfounded by the police would be lower after 1983. This was the second hypothesis tested in this study, namely that there has been a decline since 1987.

3. Clearance Rates

In the Canadian Uniform Crime Reporting System employed by Statistics Canada, the number of unfounded offences is subtracted from the number of reports to arrive at the number of actual offences.

All "actual" offences become the subject of a police investigation. In a certain percentage of these offences an "information" is laid against a suspect. Once this happens the offence is classified as cleared by charge. It is possible for actual offences to be cleared without the laying of a charge, although this occurs far less frequently. "Actual" offences, then, can be cleared in one of two ways: through the laying of a charge or for other reasons encompassed within the miscellaneous "cleared otherwise" category. "Cleared otherwise" means the case was closed when circumstances prevented the laying of a charge, for example when the complainant refused to sign a complaint or the suspect died before a charge could be laid.

It was anticipated that changes introduced as a result of Bill C-127 would increase the percentage of cases in which a charge was laid, although clearance rates for prereform offences of sexual aggression and clearance rates for other crimes against the person were not that discrepant. In 1982, 39 per cent of sexual offences were cleared by charge (Canadian Centre for Justice Statistics, 1984). This was higher than the overall clearance rate for crimes of violence (32 per cent) and the clearance rate for assaults (33 per cent).

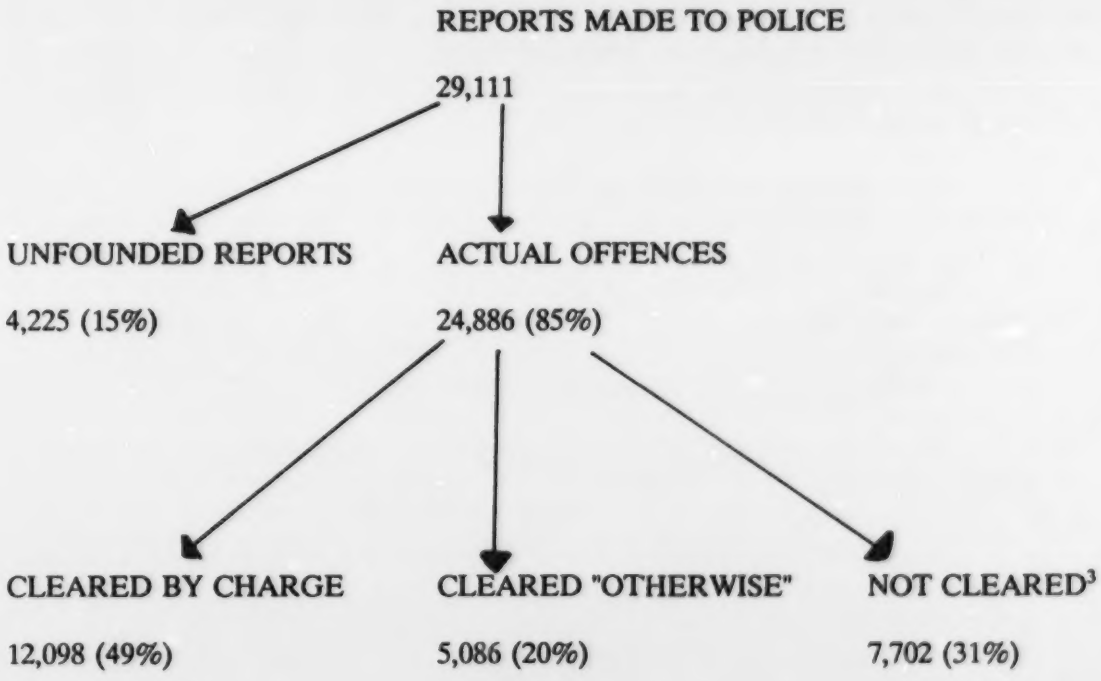
This study examined the percentage of sexual assault offences cleared by charge since 1983.

In order to summarize the flow of cases from reporting to laying a charge, Figure 1 is provided using data from 1988 to illustrate the process. It shows the outcomes (to the stage at which charges are laid) associated with the 29,111 reports of sexual assault made to police in Canada in 1988 (the most recent year for which data are available).

4. Residual Issues

In addition to the issues outlined above, this report explored topics such as the degree of interprovincial variation in sexual assault rates as well as the distribution of cases across the three levels of sexual assault.

Figure 1 **Decision Points Used in the Study: Outcome of Sexual Assault Reports[1] Made in 1988,[2] Canada**



Notes:

[1] Sexual assault I, II and III combined.

[2] Source: Canadian Centre for Justice Statistics.

[3] Remained uncleared at the time these data were gathered.

1.6 Database Utilized in this Report

Other research in the sexual assault evaluation initiative has employed in-depth analyses of data derived from several sites across Canada. Such studies are necessary to investigate issues such as the attrition of sexual assault cases in the court system.[2] However, to answer questions relating to reporting trends, or charging trends, researchers need a truly national database. (In fact, the results of the Department of Justice site studies are rather ambiguous on the critical issue of reporting rates, in part because of variation across jurisdictions in the kind of data available to or collected by the researchers.) This is particularly true when researchers study a phenomenon such as sexual assault, which varies greatly across different provincial jurisdictions.

This report therefore presents national trends in reporting, founding and charging, using data provided by the Canadian Centre for Justice Statistics (CCJS). These data are derived from the Uniform Crime Reporting System, a database created in 1962 to produce a standardized index of the incidence of crime in contemporary Canadian society. Local law enforcement agencies submit information to the central repository. This database is then used to produce annual publications such as Canadian Crime Statistics. This publication provided some data used in this report; others were provided to the Department of Justice in response to special requests. (See Canadian Centre for Justice Statistics, 1988, for further description of the UCR system, and CCJS publications.)

The data in this report were the most recent available at the time of writing, usually 1988. While these data do not relate to processing by the courts (e.g., case attrition; conviction rates), they are the best available to explore the four areas outlined in this introduction.

The report's findings are largely descriptive, although some analyses are presented. Where possible, the results of statistical tests are provided. Finally, note that the CCJS data cannot provide answers to issues such as the nature of variables affecting founding decisions, or whether the founding (or reporting or charging) rates are different for different kinds of cases within the category of sexual assault. Only in-depth research at the level of case characteristics can address such questions. The CCJS data convey only a view of overall trends. The

---

[2] One of the salient features of the processing of sexual assault cases is the high degree of attrition: only some reports result in laying a charge, only some charges result in a conviction and so on (see Minch, Linden and Johnson, 1987, for some recent research on the issue of attrition in sexual assault cases in Canada).

strength of these data lies in their breadth and comprehensiveness rather than their depth.

1.7 Comparisons Between Sexual Offences Before and After the Reforms

One of the difficulties confronting researchers in this field arises when making comparisons between the earlier offences of rape and indecent assault and the new offences of sexual assault. There is no direct legal correspondence between rape and sexual assault. Incidents that prior to 1983 would have been classified as rape may now be classified at any of the three levels of sexual assault. It is hard, for example, to compare sentencing patterns between the old and the new offences. However, the issues addressed in the present report, namely the reporting, founding and clearing rates, are not undermined by this problem to the same degree. While it may not be appropriate to compare the specific reporting rates of rape and Sexual Assault I, it is appropriate to compare the overall reporting rate of the crimes of sexual aggression prior to 1983 (rape, attempted rape, indecent assault) with their counterparts currently defined in the Criminal Code (Sexual Assault I, II and III). A similar argument can be made for the founding rate. It is inappropriate to compare the unfounded rate of rape alone with sexual assault; the two offences are very different. However, one can contrast the overall unfounded rate of the prereform offences with the overall unfounded rate of the three levels of sexual assault.

These pre and post reform comparisons will be made in this report, although greater emphasis will be on trends emerging in statistics relating to sexual assault since 1983.

1.8 Methodology

The analysis employed here is based upon an interrupted time-series design (Campbell and Stanley, 1963). This design permits inferences, using longitudinal data, about the effects of an intervention such as a legislative reform. It is a quasi-experimental design used for many criminal justice evaluations including the area of sexual assault (e.g., Marsh, 1981; Marsh, Geist and Caplan, 1982; Sawyer and Maney, 1981).

2.0 REPORTS OF SEXUAL ASSAULT

2.1 Offences Included in the Analysis

The question of which offences to include in an analysis of crimes of sexual aggression is not easy to answer. First, however, it is important to recall the dual purposes of this report. The primary aim was to examine the changes in reporting, founding and charging rates since 1983. A secondary aim was to make comparisons, to the extent possible, between these critical statistics before and after the 1983 reforms. The second aim is clearly more problematic than the first. It is not simply a question of comparing rape before 1983 with sexual assault afterwards. At this point, therefore, clarification will be provided as to the offences included in the analyses that follow. The analysis will examine the statistics for the offences of rape (including attempted rape); indecent assault against a male and indecent assault against a female (again, attempts are included); sexual assault; sexual assault with a weapon or causing bodily harm; and aggravated sexual assault. But even these offences do not define the universe of what might be included in the general definition of sexual offences. There may be overlap between the offences included here, and certain other sexual crimes such as sexual intercourse with a female under 14. To the extent that this overlap is widespread, inferences about reporting trends of sexual assault are going to be problematic.

The evidence suggests that the overlap is not widespread, and that there has been no change in police practices in this regard since 1983.[3] (This problem of overlap will be explored further later in this chapter.)

2.2 Number of Sexual Assault Reports: Canada

Renner and Sahjpaul (1986) present reporting data for 1983, the year the reforms were implemented, and note a significant increase in the number of sexual assaults reported to the police from 1982 to 1983. They conclude: "The new law apparently had one of its intended effects" (Renner and Sahjpaul, 1986, p. 409). It is hard to draw firm conclusions on the basis of a single year. Nevertheless, reporting data since then confirm this interpretation. Table 1

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[3] Personnel from the Canadian Centre for Justice Statistics state that there is a close correspondence between the old offences of rape and indecent assault and the new offences of sexual assault. That is to say that incidents formerly classified as rape or indecent assault have been classified, since 1983, consistently as one of the three levels of sexual assault.

presents the incidence of sexual assault reports made to the police across Canada from 1977 to 1988 (the most recent year for which data were available when this report was written). This table aggregates data for the three levels of sexual assault. (For the period 1977-1982 the offences aggregated are rape, attempted rape and indecent assault male and female.) The data reveal a significant increase in reports since the law changed. In the last year under the old legislation (1982) there were 12,848 reports made to the police of rape or indecent assault. By 1988, the number of reports of sexual assault had risen to 29,111. This represents a 127 per cent increase. In terms of actual offences (reports made to the police minus those deemed to be unfounded) the pattern is similar. In 1982, there were 10,990 actual offences recorded. By 1988, this had risen to 24,886. Statistical analysis provided by the Canadian Centre for Justice Statistics reveals that the increase in reports was significant at the .01 level (see Appendix C). Thus we can be confident that there was a rise in reporting after the change in legislation.

Later in this report I shall address the question of whether this increase can be attributed to the change in legislation.

Figure 2 shows the increase in reports of offences of sexual aggression over the 12 year period 1977 to 1988. This graph makes the increase visually apparent and also shows that it began in 1983, and not before: the number of reports of crimes of sexual aggression remained fairly constant over the six years that preceded the introduction of Bill C-127.

2.3 Reporting Rates: Canada

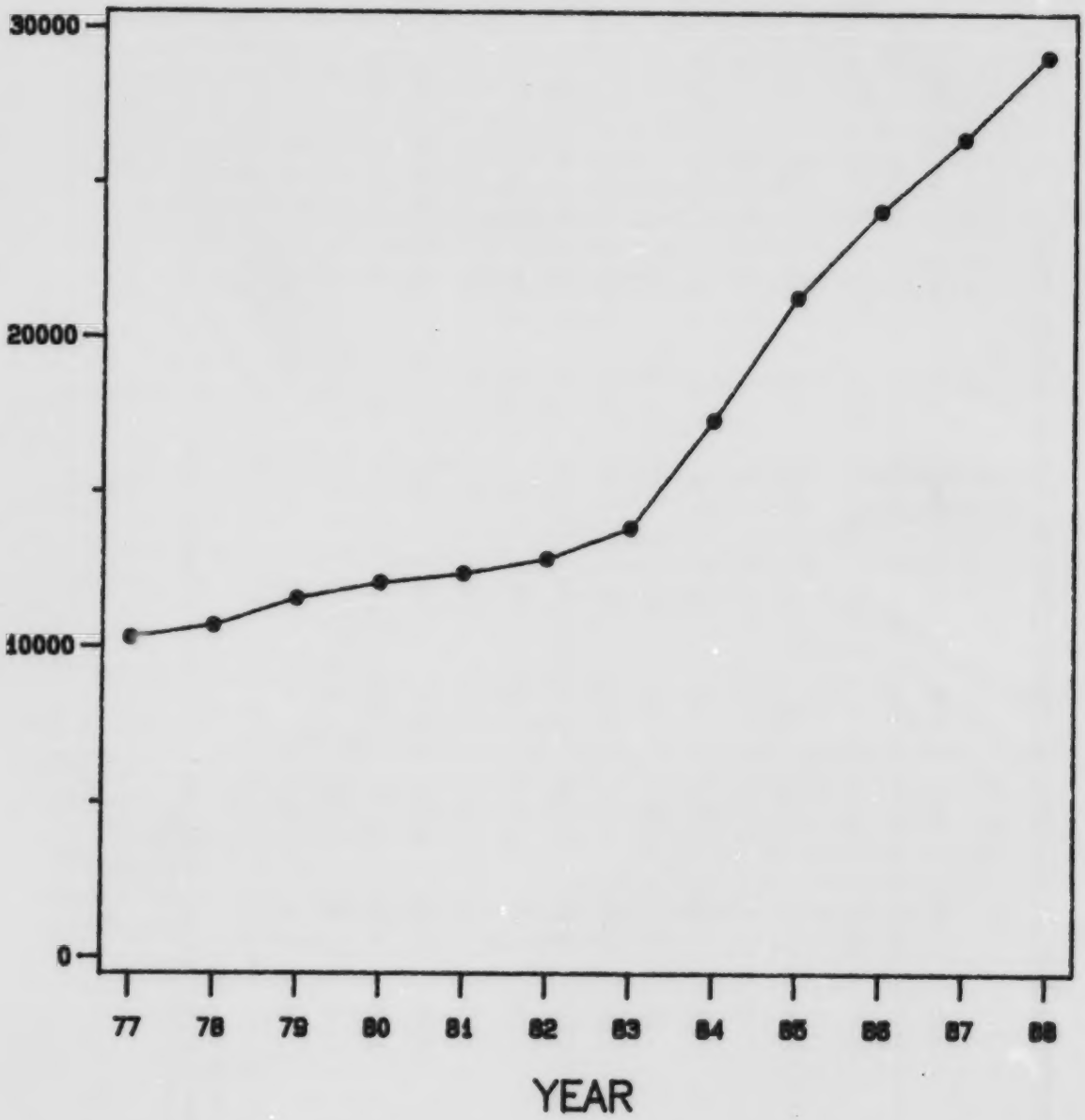
Table 2 presents the reporting data converted to a rate per 100,000 population. The increase in reports since the change in legislation is equally apparent. In 1982 the rate of sexual aggression reports (rape and attempted rape and indecent assault) was 52 per 100,000. By 1988 this had increased to 112 per 100,000 (Sexual Assault I, II and III). These are the rates per 100,000 of reports made. The rates of actual offences reveal the same pattern. In 1982, the rate of actual offences was 45 per 100,000. By 1988, this had risen to 96 per 100,000.

Table 1 **Number[1] of Reports of Crimes of Sexual Aggression[2], Canada and Provinces[3]**

	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
CANADA	10,285	10,687	11,557	12,077	12,376	12,848	13,851	17,323	21,300	24,114	26,443	29,111
NFLD.	204	212	188	214	220	211	262	276	345	548	688	869
P.E.I.	20	28	18	31	60	33	51	107	107	78	95	118
N.S.	273	312	331	386	348	348	360	511	528	675	837	896
N.B.	147	189	200	243	215	165	232	310	455	630	702	870
QUE.	2,161	1,982	2,520	2,313	2,248	2,130	2,090	2,495	2,807	3,267	3,476	3,778
ONT.	3,887	4,000	4,236	4,334	4,348	4,469	4,773	6,315	8,037	8,374	9,234	9,769
MAN.	513	527	599	583	651	646	836	993	1,222	1,310	1,465	1,746
SASK.	345	356	358	397	386	484	565	618	756	938	941	1,046
ALTA.	1,074	1,237	1,235	1,472	1,622	1,760	1,930	2,192	2,764	3,021	3,069	3,484
B.C.	1,553	1,726	1,753	1,967	2,146	2,473	2,544	3,296	3,970	4,936	5,558	6,140
Y.T.	17	25	25	39	31	28	51	59	75	88	106	86
N.W.T.	91	93	94	98	101	101	157	151	234	209	272	309

[1] Reported or known to police.
[2] Rape, attempted rape, and indecent assault prior to 1983; sexual assault after 1983.
[3] Source: Canadian Centre for Justice Statistics.

Figure 2 Number[1] of Sexual Assault Reports (1977-1988 Canada)



[1] Known or reported to police.

2.4 Provincial Variation

It is clear that a great deal of interprovincial variation exists, whether the number of reports is examined or the rate of reports made per 100,000 adults.

a) Number of Reports

Table 1 reveals substantial variation in the number of reports made across the country. Naturally one would expect the greatest numbers of reports to be recorded in the most populous provinces, and yet there are also significant departures from the rates one would expect on the basis of population differences alone. For example, the Northwest Territories, with a population of 51,000 residents, registered 309 reports of sexual assault in 1988. This compares with 118 reports in Prince Edward Island, a province with more than twice as many residents (see Appendix C for population statistics).

b) Reporting Rates

Table 2 reveals remarkable variation across different provinces/territories. Thus, the sexual assault reporting rates for 1988 range from a low of 57 in Quebec to 594 in the Northwest Territories. Some readers may feel it inappropriate to use data from the Northwest Territories as evidence of variation in reporting rates, since the demographic pattern of small communities is not to be found elsewhere. However, comparison between provinces still shows a great deal of variation. The sexual assault reporting rate in British Columbia, for example, is four times the rate to be found in Quebec. The Ontario rate is almost double the Quebec rate. It is possible that the actual incidence of sexual assault varies across the country. Certainly some of the variation in reporting rates must reflect variation in actual crime rates. More likely, however, the variation in reporting rates reflects variable attitudes on the part of victims living in different parts of the country. As well, reporting rates may reflect, in part at least, differences across Canada in the response of police officers to victims of sexual assault. Little is known about the reactions of police officers to reports of different kinds of crimes, although it does appear that these reactions vary across the country, as do policies that are periodically introduced in specific police forces to change police behaviour. Table 3 summarizes these data for 1988. It provides a rank-ordering of jurisdictions on the basis of sexual assault reporting rates.

Table 2 Sexual Assault Reporting Rates[1], Canada and Provinces[2]

	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
CANADA	44	45	49	50	51	52	56	69	84	94	103	112
T.-N.	36	38	33	38	39	37	45	48	59	101	121	153
Î.-P.-É.	17	23	15	25	49	27	41	85	84	61	75	92
N.-É.	33	37	39	46	41	41	42	59	60	76	95	102
N.-B.	21	27	29	35	31	24	33	43	63	87	99	122
QUÉ.	34	31	40	36	35	33	32	38	43	49	53	57
ONT.	47	47	50	51	50	51	54	71	89	91	100	104
MAN.	50	51	58	57	63	62	80	94	114	121	136	161
SASK.	37	38	38	41	40	49	57	61	74	92	93	103
ALB.	56	62	60	69	73	76	82	94	118	126	129	146
C.-B.	62	68	68	74	78	89	90	115	137	170	190	206
T.Y.	77	109	114	177	135	117	232	268	326	383	424	344
T.N.-O.	212	211	214	218	220	215	320	302	459	410y	523	594

[1] Incidents reported or known to the police, per 100,000 population.

[2] Source: Canadian Centre for Justice Statistics.

Table 3 Rank-Ordering of Sexual Assault Reporting Rates[1] (1988)[2]

RANK	PROVINCE	RATE
1.	NORTHWEST TERRITORIES	594
2.	YUKON	344
3.	BRITISH COLUMBIA	205
4.	MANITOBA	161
5.	NEWFOUNDLAND	153
6.	ALBERTA	146
7.	NEW BRUNSWICK	121
8.	ONTARIO	103
8.	SASKATCHEWAN	103
10.	NOVA SCOTIA	102
11.	PRINCE EDWARD ISLAND	92
12.	QUEBEC	57

Notes:

[1] Rate of reports (not actual offences) per 100,000 population.

[2] Source: Canadian Centre for Justice Statistics.

Appendix A presents a series of figures provided by the Canadian Centre for Justice Statistics. These graphs reveal the increase in numbers of offences reported for Canada, and the provinces/territories. There is considerable variation across the provinces in the rate of increase in reporting since 1983. While there has been a substantial, steady increase on a national level, this effect is not always reproduced at the provincial level. Thus, while some provinces such as Newfoundland (Figure 6) and New Brunswick (Figure 9) show reporting trends consistent with the national picture, in Quebec (Figure 10) the increase has been far more modest. Other provinces such as Prince Edward Island (Figure 7) show yet another pattern: an increase after 1983 followed by a decrease thereafter. These figures underline the need for more detailed research into the reporting of sexual assault in different provinces.

2.5 Reporting Rates: Comparison Between Sexual and Nonsexual Assault

How does the increase in reporting of sexual assaults compare with changes in reporting rates for other offences? Table 4 provides comparative reporting data between sexual and nonsexual assault. These data are provided to explore the possibility that there has been a similar increase in reporting rates of other offences. Unlike the data in Table 1, these are rates of founded incidents (i.e., reports minus unfounded incidents). As this table shows, there has been a rise in the reporting rates of nonsexual assault since 1982. However, the increase does not approach the magnitude of the growth in sexual assault reporting rates. There has been a 50 per cent[4] increase in the reporting rate of nonsexual assault (Criminal Code section 266). This is significantly lower than the increase in reports of sexual assault. The hypothesis that the increase in sexual assaults can be wholly attributed to a general, nonspecific increase in crimes against the person can therefore be rejected.

The three assault offences used for comparative purposes in the present study are the following:

s. 266 (assault)
s. 267 (assault with a weapon or causing bodily harm)
s. 268 (aggravated assault)

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[4] The actual numbers (Table 5) are 116,768 reports of an assault in 1983 compared with 175,261 reports in 1988, the most recent year for which data were available from the Canadian Centre for Justice Statistics when this report was written.

For the purposes of comparing provincial variation in rates of sexual and nonsexual assault, Table 5 presents the numbers of reports of nonsexual assault for the period 1983-1988.

Table 4 Reporting Rates[1], Canada, Selected Assault Offences (1983-1988)[2]

	1983	1984	1985	1986	1987	1988
SEXUAL ASSAULT						
I	42	54	67	75	82	91
II	3	3	3	4	4	4
III	2	2	2	2	2	1
TOTAL	47	59	72	81	88	96
ASSAULT						
I	331	366	398	437	483	501
II	98	105	107	113	117	120
III	14	12	10	11	10	11
TOTAL	443	483	515	561	610	632

[1] Rate of actual offences per 100,000 population. These rates are slightly lower than the rates for reports (see text) since a percentage of total reports are classified as "unfounded" and not included.

[2] Source: Canadian Centre for Justice Statistics.

Table 5 Number of Assault Reports,[1] Canada and Provinces[2]

	1983	1984	1985	1986	1987	1988
CANADA	116,768	129,168	139,365	153,650	167,258	175,261
NFLD.	2,830	2,929	2,985	2,965	3,007	3,587
P.E.I.	408	489	508	549	528	647
N.S.	3,655	3,797	4,105	4,341	4,561	5,010
N.B.	2,229	2,708	3,027	3,597	3,942	3,159
QUE.	13,214	15,527	17,388	20,215	24,214	27,285
ONT.	46,272	48,907	52,618	58,003	65,661	67,433
MAN.	6,925	7,893	8,484	8,814	8,751	8,940
SASK.	4,925	6,190	6,516	7,159	7,685	7,478
ALTA.	13,329	14,280	15,529	16,604	16,968	18,235
B.C.	20,650	23,639	25,174	28,317	28,756	29,320
Y.T.	435	660	855	818	813	800
N.W.T.	1,896	2,149	2,176	2,268	2,372	2,367

Notes:

[1] Offences: sections 266, 267, 268 (i.e., Assault I, II, III).

[2] Source: Canadian Centre for Justice Statistics.

2.6 Variation in Reporting Rates Across Canada: Comparison Between Sexual and Nonsexual Assault

There appears to be substantial variation in reporting rates across Canada for nonsexual assault as well as sexual assault. Thus, for assault, the rate of incidents reported per 100,000 population ranged from 394 in Quebec to 3,732 in the Northwest Territories. However, if we omit the Northwest Territories and the Yukon (both of which have extraordinarily high rates for both types of assault) the rates for nonsexual assault are more uniform across Canada. However, for sexual assault, there is a greater degree of variance across the country. The highest rate (206, again in British Columbia) is four times the lowest rate (57 per 100,000, again in Quebec).

In short, while variation in reporting rates characterizes all kinds of assaults, for reasons that are not clear at the present there appears to be more interprovincial variation for the crimes of sexual assault.

2.7 Relation between Assault and Sexual Assault

In discussing the relationship between assault statistics and sexual assault statistics, it is important to realize that they are not totally discrete categories. Incidents that begin as reports of sexual assault may eventually result in convictions for nonsexual assault. There are several causes of such transfer from one category to another. Perhaps the most frequent cause is crown counsel's willingness to trade a guilty plea to an assault charge in return for dropping a charge of sexual assault. This benefits both crown counsel (who saves the cost of trial and avoids the possibility of losing a marginal case) and defence counsel (who gains a conviction carrying less stigma to his client and with a more lenient sentence since the maximum penalty is lower for assault than for sexual assault: the maximum penalty for Assault I is five years compared with 10 years for Sexual Assault I). The benefits to the victim are less clear. It is also possible that in some less serious cases of sexual assault, the police lay a charge of nonsexual assault, anticipating difficulty in proving a sexual assault. This would mean that some of the assault reports contained in the CCJS data mask incidents of sexual assault. Correcting the apparent statistics for this tendency would amplify the differences in reporting rates of the two offences since 1983.

This transfer phenomenon undoubtedly takes place in the United States and, as Boyle (1984) notes, in Canada as well. However, it is impossible to

quantify. We have no idea from the CCJS data reported here, how many reports of sexual assault result in convictions for nonsexual assault. Clearly this is a question that needs to be researched.

2.8 Breakdown of Assaults Across the Three Levels of Sexual Assault

The data presented so far were aggregated across the three levels of sexual assault. This kind of analysis can be misleading; it suggests that the increase in reporting since 1982 has been uniform across the three levels, and this is not the case. In fact, trends in sexual assault reports across levels I, II and III have been strikingly divergent. Table 6 reveals the breakdown of incidents across the three levels. It shows that the vast majority of sexual assault reports are classified at the first level of seriousness. In 1988, fully 95 per cent of reports were classified at the first level. Four per cent were classified at the second level (sexual assault with a weapon or causing bodily harm); only one per cent were classified as aggravated sexual assault. This is in contrast with the breakdown for nonsexual assault. For example, in 1988, the first level of assault accounted for 80 per cent of all assaults reported to the police. The second most serious level of assault accounted for 18 per cent of assaults, with two per cent of reports classified as aggravated assault (Canadian Centre for Justice Statistics, 1988). Unlike nonsexual assault, then, the two higher levels of sexual assault account for a very small percentage of cases reported. (It is important to recall that the individuals primarily responsible for these classifications are the police officers to whom victims report. Individuals other than police officers may well classify a report at a different level. One cause of dissatisfaction on the part of victims may well be differences in perceptions of assaults. Victims may perceive a particular incident to be worthy of a higher classification than that actually reflected in the charge laid. Unfortunately, this point cannot be explored further using these data since we only have statistics reflecting classifications reported by the police.)

This table also reveals a trend for the percentage of total reports classified at the first level to increase over time. Thus in 1983, the first year affected by the new legislation, 88 per cent of all sexual assault reports were classified at the first level of seriousness. This figure has risen steadily to 95 per cent in 1988. One interpretation of this trend is that there has been an increase of reports made of the less serious incidents of sexual assault.[5] It is also possible that the

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[5] This would be consistent with the interpretation that the percentage of assaults that are not reported has declined. It is likely that, in the past, less serious incidents were not reported to the police.

seriousness of the incidents reported has not changed, but that there has been a change in the behaviour of police officers who record complaints.

Finally, this breakdown of 95 per cent of reported assaults classified at Level I derives from the stage at which the complainant first has contact with the justice system. A breakdown of all cases taken from the trial stage would be even more unbalanced, for a proportion of the charges at levels II and III will result, through plea bargaining, in convictions at the first level of sexual assault.

Table 6 **Distribution of Reported Assaults Across the Three Levels of Seriousness[1]**

	SEXUAL ASSAULT LEVEL		
YEAR	I[2]	II[3]	III[4]
1983	88	7	5 / 100%
1984	91	5	4 / 100%
1985	93	4	3 / 100%
1986	93	4	3 / 100%
1987	94	4	2 / 100%
1988	95	4	1 / 100%

Notes:

[1] Source: Canadian Centre for Justice Statistics (Canadian Crime Statistics).

[2] Sexual Assault (s. 271).

[3] Sexual Assault with a weapon or causing bodily harm (s. 272).

[4] Aggravated Sexual Assault (s. 273).

Examination of the trend lines for the three individual offences (Sexual Assault I, II and III) reveals that the substantial increase in sexual assault reporting occurs only for Sexual Assault I, the least serious level. In fact, reports of sexual assault classified at the third level have declined steadily since the offence was created in 1983, as Table 7 reveals.

Table 7 Breakdown of Sexual Assault Reports,Canada[1]

YEAR	SEXUAL ASSAULT I[2]	SEXUAL ASSAULT II[3]	SEXUAL ASSAULT III[4]
1983	12,241	925	685
1984	15,805	878	640
1985	19,756	918	590
1986	22,623	1,001	490
1987	24,949	1,034	460
1988	27,655	1,041	415

Notes:

[1] Source: Canadian Centre for Justice Statistics.

[2] Section 271.

[3] Section 272.

[4] Section 273.

Thus there has been a 39 per cent reduction in reported incidents of aggravated sexual assault over the five year period. It seems unlikely that there has been such a substantial decrease in the occurrence of actual incidents of assaults at this level. It is more likely that recording patterns by the police have changed in some way, so that incidents that in 1983 would have been classified as level III are now being classified at a lower level of seriousness.

It is also likely that some reports of sexual assaults that in 1983 would have been classified as level III and then declared unfounded, are now being initially classified as Sexual Assault I. This would suggest that reporting and founding statistics cannot be considered independently of one another.

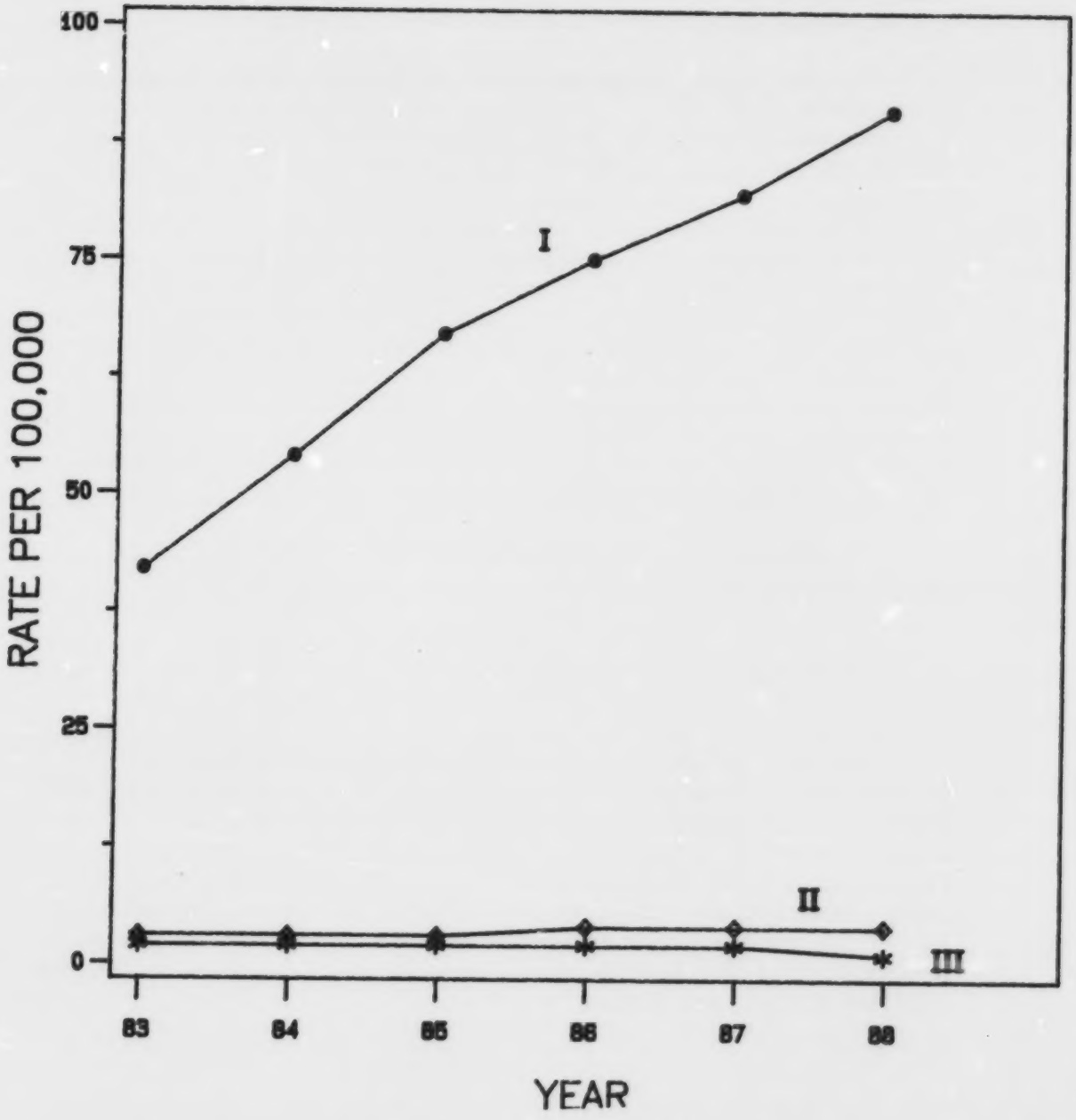
If there has been cascading from aggravated sexual assault down to the second level of sexual assault, it does not appear to have affected statistics for Sexual Assault II. The reduction in reports of aggravated sexual assault has not been matched by a corresponding increase in reports of Sexual Assault II. Thus, in 1983, there were 925 reports of sexual assault with a weapon. In 1988 there were 1,041 reports of this offence. This is a modest 13 per cent increase, at the same time that Sexual Assault I reports rose by over 100 per cent. This raises the possibility that many incidents previously classified at level III are now classified at level I, and that there is a more general cascading at work, with incidents being classified down from both the higher levels of sexual assault.

The different patterns of reporting (across the three levels of sexual assault) are apparent from Figure 3.

2.9 Alternative Explanations of the Increase in Reporting of Sexual Assaults Since 1983

The data on reports made, and the reporting rate of sexual assault, seem to be clear: there has been a significant increase since 1983. In all probability this reflects a genuine increase in the number of victims coming forward, rather than a change in recording practices or some other artifact. Evidence from the Department of Justice evaluation research, for example, suggests that changes in police behaviour cannot account for the increase in sexual assaults recorded (see Baril, Bettez and Viau, 1990; Roberts, 1990a). Also, while a significant decrease in the unfounded rate of sexual offences since 1983 might have been possible, this is not the case (see next chapter).

Figure 3 **Reporting Rates of Actual Offences, Sexual Assault I, II, III (1983-1988 Canada)**



Having established a change in reporting behaviour, we can seek an answer to a more difficult question: What mechanism is responsible for the increase in reports? One likely explanation concerns a change in the attitudes of victims of sexual assault, who now see more benefits than costs associated with making a report to the police. This is only a strong possibility. The weakness of a time-series design such as the one used here is that many consequences of the reform legislation may have an effect on sexual assault statistics (see Campbell and Stanley, 1963; Cook and Campbell, 1979). Thus there may be several alternative explanations of the increase in reporting.

2.9.1 Increase in the number of complainants from both genders or from spouses

Under the new law a charge can be laid against husbands who assault their wives; this was not the case with the earlier crime of rape. As well, the crime of sexual assault can now be committed by a woman as well as a man. Thus the increase in reports may reflect not so much a change in victims' attitudes (and hence behaviour) as the simple fact that more victims can seek protection from the law. Canadian Crime Statistics does not provide information about the gender of the accused, or the relationship between the victim and the offender. However, the evaluation research carried out in several sites across Canada for the Department of Justice shows that the number of cases of sexual assault brought to the attention of the police in which the accused was either a woman or the husband of the victim is very small.[6]

2.9.2 Has there been a shift in charging patterns?

Another interpretation of the increase in reports relates to charging patterns. Perhaps the increase in sexual assault reports merely reflects a shift in charging practices from other sexual offences since 1983. According to this explanation, incidents classified as sexual assault now include cases formerly classified as an offence other than rape or indecent assault. Perhaps cases formerly charged as incest are now making their way into the sexual assault statistics, contributing to the increase in reports recorded.

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[6] For example, research in Alberta found a slight but nonsignificant rise in the percentage of male complainants from pre to post reform periods (University of Manitoba, 1988b, Table 23, p. 43). Similar results were found in other studies commissioned by the Department of Justice Canada.

Table 8 presents the incidence of total offences and "other" sexual offences. In 1988, the following offences are included in this category: sexual interference; invitation to sexual touching; sexual exploitation; incest; anal intercourse; bestiality. This table shows a pattern similar to that revealed by the data on sexual assault reports: there was a substantial upswing of total sexual offences after 1983. As well, it shows that the incidence of reporting of the offences classified as "other sexual offences" has increased significantly (although with some fluctuation from year to year) since 1982.

Table 8 Total Sexual Offence Reports,[1] Canada, (1976-1988)[2]

YEAR	TOTAL SEXUAL OFFENCES	OTHER SEXUAL OFFENCES
1977	12,993	2,708
1978	13,620	2,933
1979	14,390	2,833
1980	14,998	2,921
1981	15,427	3,051
1982	16,012	3,164
1983	17,045	3,194
1984	21,296	3,973
1985	24,708	3,444
1986	27,354	3,240
1987	29,277	2,834
1988	32,473	3,362

[1] Total sexual offences = "other sex offences" plus rape/indecent assault prior to 1983, and "other sex offences" plus Sexual Assault I, II and III thereafter.

[2] Source: Canadian Centre for Justice Statistics.

Thus there was an eight per cent increase in reports of "other sexual offences" in the four year period between 1978 and 1982, and a fairly comparable (five per cent) increase in the period following the passage of Bill C-127. Since there has been no decrease in the reports of these other offences, it would seem likely that there has been an increase in sexual assault reporting, independent of the reporting statistics for other sexual offences.

2.9.3 Has there been an increase only in reports by young complainants?

Another explanation for the increase in reporting is harder to eliminate. Is it possible that the 1983 legislation has had no effect upon the reporting behaviour of adult victims, but there has been a significant impact upon the reporting of assaults committed against juveniles? Unfortunately the data collected by the Centre for Justice Statistics do not record the age of the complainant. To answer this critical question we must turn to other sources of information. One of these is the evaluation research conducted by the Department of Justice, referred to earlier.

As part of its sexual assault research workplan, the federal Department of Justice commissioned research projects in several sites across Canada. The evidence on sexual assault reporting from those projects is inconsistent, but it seems to suggest that an increase in the number of young complainants cannot explain the substantial overall increase in reports of sexual assault over the past seven years.

For example, in the Montreal study, there was a 17 per cent increase in reports of sexual aggression from prereform to post reform periods. This was accompanied by a small shift in the age profile of complainants. In the prereform period, young (under 18) complainants accounted for 37 per cent of all cases. This rose slightly to 43 per cent in the post reform period (Baril, Bettez, and Viau, 1990). In Winnipeg there was a larger increase in the proportion of young complainants: 43 per cent were under 17 prior to 1983; 66 per cent afterwards (University of Manitoba Research Limited, 1988a).

In some of the other sites the results are ambiguous. It seems unlikely, however, that the increase in sexual assault reporting can be entirely explained by a dramatic influx of juvenile complainants. After all, the reporting rate of sexual assault has more than doubled since 1983.

2.10 Attitudes Towards Reporting Cases of Sexual Assault

These findings suggest that of the total number of assaults, the percentage of unreported crimes has declined recently. This hypothesis can be confirmed only by a victimization survey. The Canadian Urban Victimization Survey was conducted in 1981, prior to the rape reform legislation. Unfortunately, since it has not been fully replicated, it is impossible to know if attitudes towards reporting have changed since the advent of Bill C-127.

A second source of information is not a victimization survey, but a public opinion poll commissioned by the Department of Justice Canada and carried out in 1987 (Environics Research Group, 1987). Respondents were asked a series of questions about the issue of sexual assault. The results showed that the public had more positive than negative attitudes towards the criminal justice system's response to victims of sexual assault. For example, only 35 per cent of the respondents felt the police treated victims unfairly. More than one half (56 per cent) felt that crown prosecutors treated victims fairly (21 per cent felt they treated victims unfairly; 24 per cent had no opinion).

On the critical question of reporting, respondents were asked the following: "Imagine that you yourself were the victim of sexual assault. Would you definitely, probably, probably not or definitely not contact the police?"

Fully 68 per cent stated they would definitely report the incident to the police. A further 18 per cent said they probably would report; only three per cent said they would not report the incident to the police. Although the surveys are not comparable in all respects, taken together they suggest a change in attitudes: in 1981, 62 per cent of victims stated that they did not report a crime of sexual aggression to the police. If these findings can be generalized to the actual victims of sexual assault -- and the trends are broad enough to make this likely -- they support the view that reporting rates have risen in part because victims of sexual assault now have more confidence in the criminal justice system's response to sexual assault.

2.11 Perceptions of Sexual Assault Reporting Rates

Finally, the observation that reports have risen dramatically since 1983 is consistent with the perceptions of key personnel working in the field. One of the studies commissioned by the Department of Justice as part of its sexual assault review consisted of a survey of personnel working in front-line agencies, such as sexual assault centre workers (SACs) and police-based victim/witness assistance programs (PV/WAs). The authors of the report concluded that:

> there was a consensus that reporting among sexual assault survivors seems to be increasing. Twenty-one (70 per cent) of the 30 SACs which responded and 14 (74 per cent) of the 19 PV/WAs that responded agreed that there had been an increase in survivors reporting to the police (CS/RESORS Consulting, p. 34, 1988).

Although not unanimous as to the cause of the increase, the national data presented in this report strongly suggest that the 1983 reforms were, in part at least, responsible. It is through changed attitudes that the law is likely to have an effect. One of the authors of an evaluation of rape reform legislation in the United States notes:

> The effectiveness of rape law enforcement will depend, ultimately, on official and lay attitudes toward the crime. They influence the will of victims to prosecute, of prosecutors to file, and of juries to convict. The role of the reform of rape law as a catalyst for attitude change may be greater than any immediate impact on the criminal justice system (Loh, 1981, p. 50).

One of the principal aims of the 1983 legislation was to encourage the victims of sexual assault to report incidents to the criminal justice system. The data suggest that in this respect the law has in all probability been successful.

Finally, although gender of victim is not given in the statistics provided by CCJS in the preparation of this report, the Canadian Urban Victimization Survey found that 90 per cent of victims of crimes of sexual aggression were female. There is no reason to believe that the gender distribution would be different for the statistics reported here.

3.0 THE FOUNDING OF REPORTS

In this chapter two principal questions are addressed:

1. Has there been any change in the founding rate of crimes of sexual aggression since 1982?

2. How does the founding rate for sexual assault in 1988 compare to the founding rate for other serious crimes against the person?

Unfounded reports, it will be recalled, are reports that are determined to be without foundation after a preliminary police investigation. The unfounded rate then, refers to the percentage of sexual assault reports made that are subsequently classified as unfounded by the police. In 1982, the overall unfounded rate for the offences of rape, attempted rape and indecent assault (male and female) was 14 per cent (Canadian Centre for Justice Statistics, 1982). The rate had been stable within one or two percentage points for the previous five years: in 1977 it was 17 per cent. It is important to note that this overall rate masks a considerable degree of variation between offence categories. The unfounded rate for rape was substantially higher (30 per cent) than the comparable statistic for either indecent assault against a female (nine per cent) or against a male (six per cent). The overall rate of 14 per cent reflect the fact that reports of rape were far less frequent than reports of indecent assault.

3.1 Unfounded Rates: Canada

Table 9 presents national and provincial unfounded rates for the three offences of sexual assault. From this table it can be seen that there has been little change in the unfounded rate since 1983. The 1988 unfounded rate for the three crimes of sexual assault was 15 per cent. It might be argued that an increase in the reporting rate is likely to inflate the unfounded rate: as a higher percentage of incidents are reported, the system may be handling an increased proportion of less serious incidents. The less serious incidents are more likely to contain cases subsequently classified as unfounded. However, statistical analysis confirms the conclusion derived from casual inspection: the unfounded rate is not significantly different after the change in legislation.

Table 9 Percentage of Sexual Assault[1] Reports that are Unfounded, Canada and Provinces (1980-1988)[2]

	1980	1981	1982	1983	1984	1985	1986	1987	1988
CANADA	16	15	14	14	15	14	15	15	15
NFLD.	29	28	18	24	14	13	12	16	15
P.E.I.	32	20	33	18	10	21	28	22	16
N.S.	19	27	21	17	15	16	16	17	18
N.B.	19	17	18	19	21	17	18	20	19
QUE.	7	6	6	5	7	7	7	7	7
ONT.	15	13	14	15	15	14	14	15	14
MAN.	20	18	20	19	15	17	16	15	12
SASK.	21	22	16	15	16	16	14	17	15
ALTA.	18	17	16	14	17	15	18	19	17
B.C.	19	17	16	14	16	17	18	18	18
Y.T.	46	39	29	31	36	17	39	20	29
N.W.T.	46	39	42	26	23	28	22	26	20

[1] For the period 1980-1982, rape, attempted rape and indecent assault (male and female) are aggregated; for the period 1983-1988, the three offences of sexual assault are aggregated.

[2] Source: Canadian Centre for Justice Statistics.

3.2 Comparison Between Sexual Assault and Other Crimes

How does an unfounded rate of 15 per cent compare to other serious crimes against the person? The overall unfounded rate for homicide (including first and second degree murder, manslaughter and infanticide) was eight per cent in 1988 (Canadian Crime Statistics, 1988). Homicide is of course a crime category that one would expect to have a very low unfounded rate. The overall unfounded rate for assault was 7.5 per cent. Moreover, as with the rates for sexual assault, the unfounded rates for assault have varied little over the past few years. For example, in 1983 the unfounded rate for assault was six per cent, while in 1988 it was eight per cent. Thus the unfounded rate for sexual assault is higher than for other crimes against the person. (It should be noted that comparisons of unfounded rates are not always that reliable, as the rates for some crimes fluctuate considerably from year to year. For example, the unfounded rate for manslaughter changed recently, from 13 to 8 per cent in a single year, 1987 to 1988.)

3.3 Unfounded Rate: Provincial Variation

Perhaps the most striking aspect of the data contained in Table 9 is the degree of interprovincial variation. The 1988 unfounded rate varies from a low of seven per cent in Quebec to a high of 29 per cent in the Yukon. Even in adjacent provinces the differences are striking: 14 per cent in Ontario compared to seven per cent in Quebec.

However, it is important to note that the unfounded rate varies for other offences as well. For example, for the offence of assault, the unfounded rate varies from five per cent in Quebec to 23 per cent in the Yukon. Provincial variation in the unfounded rates for sexual assault would appear to reflect differential policing across provinces, rather than anything particular to the offence of sexual assault.

3.4 Unfounded Rate by Level of Sexual Assault

The unfounded rate is not constant across the three levels of sexual assault. For reasons that cannot be explored on the basis of these data alone, the average unfounded rate over the past six years is lower for sexual assault with a weapon (9.5 per cent) than for the other two levels. (Both Sexual Assault I and III have average unfounded rates of 15 per cent for the period 1983-1988.)

Figure 4 presents a graph of the trends in unfounded rates for the three levels of sexual assault.

The trend lines in Figure 4 show that the unfounded rates for both sexual assault and sexual assault with a weapon have been fairly constant over the period since 1983. In contrast, however, there has been a decline in the unfounded rate for aggravated sexual assault, from 20 per cent in 1983, to 11 per cent in 1989.

Unfounded Rate, Aggravated Sexual Assault

1983	20 %
1984	18 %
1985	23 %
1986	12 %
1987	10 %
1988	11 %
1989	11 %

For reasons that cannot be determined from these data alone, the unfounded rate for the most serious level of sexual assault peaked in 1985 (23 per cent) and declined abruptly the next year (12 per cent); it has declined still further since then.

The explanation for this decline in the unfounded rate for aggravated sexual assault may well lie in the reporting statistics. The statistics for reporting show a decline in reports of sexual assault, classified as aggravated sexual assault (see Table 7). In fact, the greater decline occurred at exactly the same time (1985-1986) that the greatest decline in reporting rates was recorded. In 1986, reports of aggravated sexual assault declined 17 per cent from the previous year. This strongly suggests that the decline in the unfounded rate for sexual assault is a consequence of changes in classification procedures by police officers.[7] It suggests that police officers are classifying difficult cases of aggravated sexual assault as Sexual Assault I, thus reducing both the number of reports, and the unfounded rate of aggravated sexual assault.

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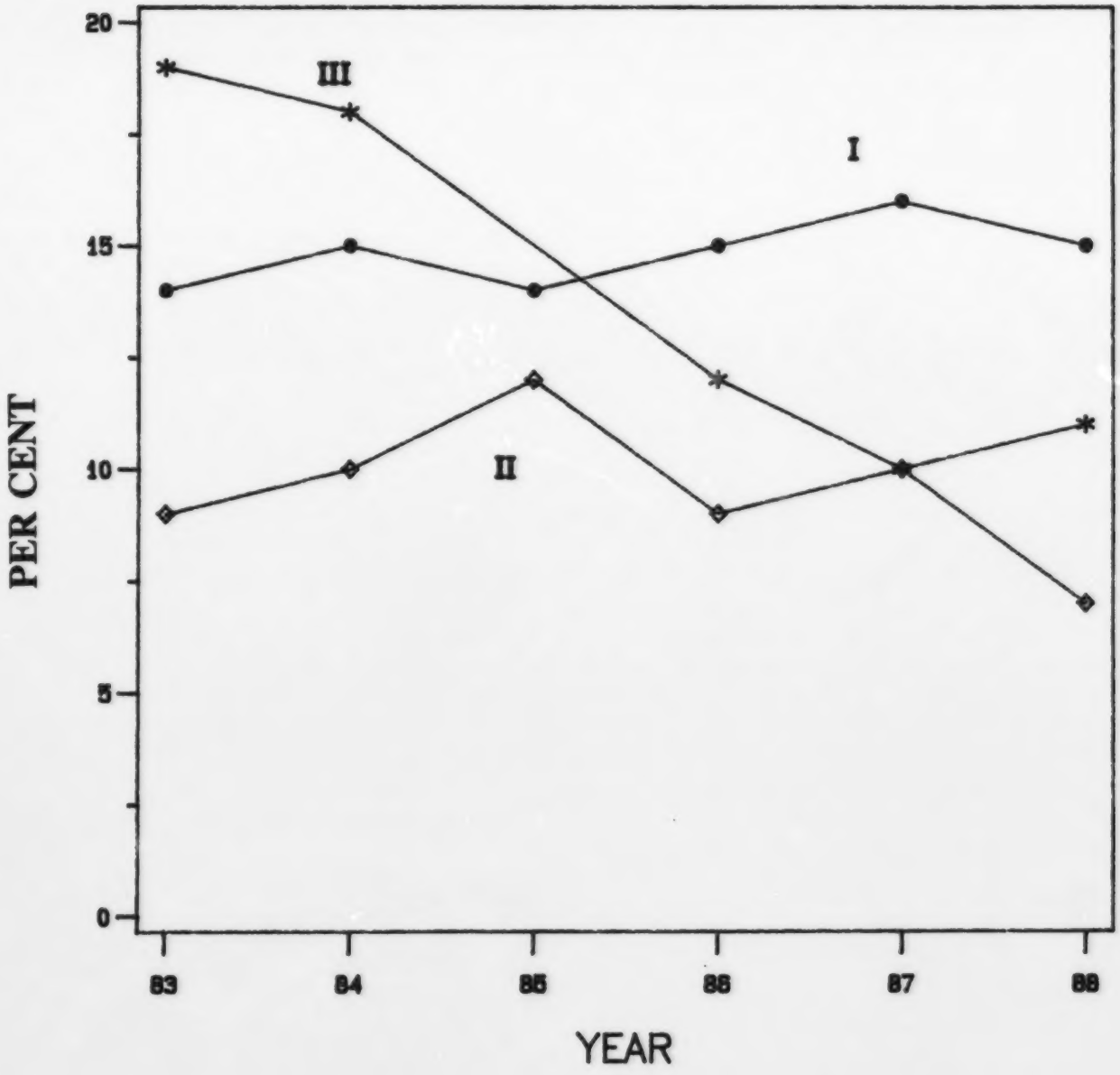
[7] The rise in the percentage of cases cleared by the laying of a charge (see next chapter) further supports this interpretation.

3.5 Incidence of Actual Offences

As previously mentioned (see Figure 1), reports that remain after unfounded cases are screened out, are known as "actual offences". Another picture of the prevalence of sexual assault can be derived from examinating the trend of actual offences over time. A time-series analysis of the actual offences recorded in Canada over the past few years reveals a pattern similar to that obtained from the reporting data: a significant increase after 1982. The graphs for the trends for actual offences will not be presented because they assume the same pattern as the graphs of reporting data that can be seen in Appendix A.

Figure 4 **Unfounded Rates (%), Sexual Assault (1983 - 1988 Canada)**



4.0 CLEARANCE RATES

The final statistic examined in this report is the rate at which cases are officially cleared by one means or another. It will be recalled that incidents are classified as cleared either when a charge is laid or when other circumstances occur, such as when the victim refuses to sign the complaint or when the suspect dies before being formally charged.

The basis of the clearance statistic is "actual offences" (i.e., reports that remain after cases classified as unfounded are deleted). Table 10 presents the cleared-by-charge statistics from 1980 to 1988. These data show a slow rise in the percentage of sexual assault offences that are cleared by charge, to a rate of 49 per cent in 1988. This is an improvement of 12 per cent since 1980. While this increase is statistically significant ($p. < .01$, see Appendix C) there is reason (see below) to believe that factors other than the 1983 legislation are responsible.

4.1 Comparison between Sexual Assault and Other Assault Offences

Data from 1988 reveal that the clearance-by-charge rate (hereafter clearance rate) for sexual assault is now higher than the clearance rate for nonsexual assault. Combining the three levels of nonsexual assault generates a clearance rate of 47 per cent (Canadian Centre for Justice Statistics, 1988). Is it possible, that one consequence of the 1983 legislation has been to increase the clearance rate of sexual assault offences? This seems unlikely because the clearance rate for nonsexual assault has risen at approximately the same rate: in 1983 the clearance rate for the three levels of nonsexual assault was 37 per cent rising to 47 per cent in 1988. Likewise for the broad category of crimes of violence,[8] there was a corresponding increase in the clearance rate, from 38 per cent in 1983 to 47 per cent in 1988 (see Table 11).

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[8] Includes homicide; attempted murder; assaults (all levels); robbery; abduction; sexual intercourse with females under 16; incest; seduction; buggery/bestiality; acts of gross indecency.

Table 10 **Percentage of Sexual Assaults (Actual Offences)[1] Cleared by Charge, Canada and Provinces (1980-1988)[2]**

	1980	1981	1982	1983	1984	1985	1986	1987	1988
CANADA	37	37	38	42	44	47	47	48	48
NFLD.	57	55	44	50	50	57	67	67	66
P.E.I.	38	50	32	29	33	42	52	49	49
N.S.	49	45	31	36	48	43	48	50	44
N.B.	43	46	35	45	40	42	43	47	38
QUE.	29	33	34	41	44	48	53	52	55
ONT.	38	38	42	43	45	47	45	47	47
MAN.	51	48	43	44	52	56	61	55	52
SASK.	44	42	49	53	49	51	56	59	49
ALTA.	40	43	39	45	46	44	44	47	46
B.C.	30	28	29	32	35	44	41	42	47
Y.T.	48	47	40	43	87	42	50	42	64
N.W.T.	70	76	68	67	66	76	68	65	72

[1] For 1980-1982, data from rape, attempted rape and indecent assault (male and female) have been aggregated; for the period 1983-1988, the three offences of sexual assault have been combined.

[2] Source: Canadian Centre for Justice Statistics.

Table 11 **Percentage[1] of Offences Cleared by Charge: Assault and Sexual Assault Canada (1983-1988)[2]**

	1983	1984	1985	1986	1987	1988
SEXUAL ASSAULT						
I	41	44	47	47	48	48
II	48	48	51	50	55	56
III	44	47	59	58	53	60
ASSAULT						
I	31	35	37	39	41	43
II	52	56	59	60	62	63
III	60	63	66	65	72	66
OVERALL RATE FOR CRIMES OF VIOLENCE[3]	38	41	43	44	46	47

[1] Percentage of actual offences cleared by the laying of a charge.

[2] Source: Canadian Centre for Justice Statistics.

[3] Includes: homicide; attempted murder; assault (all levels); robbery; abduction; sexual intercourse with females under 16; incest; buggery/bestiality and acts of gross indecency.

4.2 Cleared "Otherwise"

National data from 1988 on offences cleared without the laying of a charge (cleared "otherwise"), reveal that 20 per cent of actual sexual assault reports were cleared in this way. Fully 98 per cent of these cases were at the first level of seriousness. While the figure of one in five cases being cleared "otherwise" may seem high, it is substantially lower than the comparable figure for nonsexual assault: fully one-third of nonsexual assaults (actual offences) are cleared without a charge. Nevertheless, a 20 per cent rate of cases cleared in this way is sufficient to warrant further research into relations between the police and victims of sexual assault.

4.3 Clearance by Charge Rates: Provincial Variation

Once again one of the striking aspects of the data in Table 10 is the wide degree of variation across jurisdictions in Canada. The percentage of actual offences cleared by charge fluctuates from 38 per cent in New Brunswick to 72 per cent in the Northwest Territories.

4.4 Clearance Rate by Level of Sexual Assault

Breaking the clearance rate data down by level of assault reveals an interesting pattern. The average clearance rates, since 1983, of the three levels of sexual assault, are:

Sexual Assault Level	Average Clearance Rate
I	45.8 %
II	51.3 %
III	53.5 %

The percentage of actual offences cleared by the laying of a charge appears to increase with the seriousness of the offence. As with some other trends in this report, this statistic requires explanation. This would require more detailed data than are now available from the Canadian Centre for Justice Statistics.

5.0 CONCLUSIONS

The national statistics in this report suggest that the 1983 reform legislation has had some success. It seems likely that a larger proportion of the victims of sexual assault are now reporting victimizations to the police. The legislation may not have been the only cause, however. The number of sexual assault centres and special units to handle cases of sexual assault has increased continually over the past decade. These have arisen in response to a changing social climate, in which the stigma associated with the old offence of rape has, it is to be hoped, diminished with the new offences of sexual assault.

The changing climate, however, was in large part provoked by the reform legislation. This may explain why the Canadian reform legislation is associated with a rise in reporting rates while in some other jurisdictions reforms had little effect on the behaviour of victims. In Michigan, for example, reports of criminal sexual conduct were unaffected by the reform legislation (see Marsh, Geist and Caplan, 1982). The Canadian reforms, however, were introduced 10 years after the Michigan reforms. Between 1973 and 1983 social attitudes towards crimes of sexual violence had changed substantially. Bill C-127 was both a response to, and itself a cause of, this change in attitudes which subsequently resulted in a change in the behaviour of victims, vis-a-vis reporting to the police.

In contrast to data on the reporting of sexual assault, the founding rates since 1982 suggest that Bill C-127 has had little impact. There has been no change since 1983 in the percentage of reports designated by criminal justice personnel as unfounded. As for the statistics on the clearance process, it would appear that the rise in the percentage of cases cleared by charge is not due to the reform legislation. On a more positive note, the clearance rate for sexual assault is not lower than the clearance rate for other crimes against the person. At this stage, it seems that sexual assault is not treated differentially by the criminal justice system.

5.1 Future Research Priorities

Several trends apparent in these data require explanation and further research. Two examples stand out: Why does the unfounding rate remain higher for sexual assault than for other offences against the person? Does the gap reflect differences between the two kinds of crimes or does it reflect different attitudes on the part of police officers towards reports of sexual assault? If the latter is true, what can be done to ensure that reports of sexual assault are processed in the same ways as reports of other crimes of violence?

5.1.1 Researching Attitudes and Behaviour of the Police

Little is known now about police officers' attitudes and behaviour towards cases of sexual assault in Canada. Research is growing on the judicial response to sexual assault, whether from the perspective of accumulated case law, or individual judgments by judges (e.g., Ellis, 1989; Marshall, 1987; Temkin, 1978). The reason for this is clear enough. Judges have a high profile, and are responsible for the most visible decision in the criminal justice process -- the decision as to sentence. When a judge imposes an apparently lenient sentence upon an offender convicted of sexual assault, the decision is the target of criticism from special interest groups. This criticism frequently makes its way into the news media (Chatelaine, 1988).

The role of the police is, however, in some ways far more important. The police determine whether a report is founded and whether a charge should be laid. Thus, police officers are gatekeepers for the criminal justice system although their responsibility does not end there. In many cases, the police play a role right up to the point of conviction. Accordingly, it is important to know about police responses to the new crimes of sexual assault. To date this has not been done (see Lafree, 1981; for research about convictions in the United States).

Second, why is there so much variation in the statistics examined in this report? Substantial interprovincial differences exist, whether the variable is the rate of reporting, the percentage of reports that are declared unfounded or the percentage of actual offences that are cleared by the laying of a charge. Moreover, the amount of variation on these variables across the country seems greater for sexual assault than for other kinds of assault. The reasons for this degree of variation remain obscure. A national study by the Canadian Centre for Justice Statistics is a research priority in this area.

The existence of such variation in reporting rates across the country underscores the need for research to determine what factors are responsible. Do these patterns reflect differences in actual offending rates, or victims' attitudes towards reporting offences, or police policies in terms of responding to reports of sexual assault? Earlier, research in the United States (Chappell, 1973) found similar differences in rape rates across the United States. Chappell found evidence that criminal justice reactions to rape were largely responsible for differential rape rates. He concluded: "It became very obvious from our examination that what each department regarded as the kind of case to be classified as forcible rape . . . was far from equivalent. A far broader definition of what constituted forcible rape prevailed in Los Angeles as contrasted to Boston" (p. 87).

Whether similar differences exist across different provinces in Canada can only be established by further research.

5.1.2 Victims of sexual assault

As well, more detailed questions need to be asked about the reporting process, focusing on the perceptions of both victims who have reported incidents and victims identified through a victimization survey, rather than through contact with the criminal justice system. Are there particular kinds of victims who are reluctant to turn to the police? A victimization survey along the lines of the Canadian Urban Victimization survey would help us understand why certain victims of sexual assault are more likely than others to report. It would shed light on the highly variable reporting rates in different provinces. Several research studies in the United States have examined the variables affecting the reporting of acts of sexual aggression (e.g., Dukes and Mattley, 1977). Similar research is now necessary in Canada.

A critical question to be examined is whether the different reporting rates across the country are caused by different attitudes towards sexual assault by victims or by variation in police policies towards the treatment of reports of sexual assault. Police reaction is important because it is something that the criminal justice system is directly responsible. As for variable reactions on the part of victims in different provinces, a first step towards knowing how this affects reporting rates is taken by examining research findings in the Department of Justice sexual assault evaluation initiative. How do the case characteristics of reported and unreported incidents differ across different sites sampled in that research?

5.1.3 The general public

Related to the victimization survey is the question of a public opinion survey. It is important to know to what extent the reform legislation of 1983 has affected public attitudes towards the crime and punishment of sexual assault. This is not simply a question of purely academic interest. The Canadian public do not have faith in the criminal justice system's response to sexual aggression or if they are not aware of the new legislation, reform will be impossible.[9] Only a survey of a representative sample of the Canadian public will provide answers to questions about public opinion and knowledge. The sexual assault legislation was

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[9] This is what Scott Clark (1990) refers to when he discusses "the impacts of the new legislation on . . . social attitudes and behaviour" (Clark, 1990, p. 14).

introduced more than seven years ago. A sufficient interval has therefore elapsed in which to detect changes in societal reactions.

There is a need -- whatever the issue studied -- for data that are both national in scope and detailed in nature. The statistics presented in this report derive from annual publications of the Canadian Centre for Justice Statistics and from special data requests made to that source by the Department of Justice Canada. In both cases the data do not permit more than an examination of gross trends. For example, these statistics do not permit researchers to effect further breakdowns according to age of the complainant. This does not undercut their utility at this stage of the evaluation process, but to further understand the phenomenon of sexual assault (and the judicial response to it) more refined national statistics are necessary.

Finally, the statistics examined in this study (i.e., reporting, founding, and charging statistics) reflect decisions taken at the early stages of the criminal justice process. Bill C-127 attempted to improve the treatment of cases of sexual assault throughout the justice system. In order to know whether the reforms of 1983 have affected critical variables such as the conviction rate for offenders charged with sexual assault, we need national data on decisionmaking at these later stages of the criminal justice process.[10]

Sexual assault is perhaps the most pressing problem confronting the criminal justice system in Canada. The treatment of sexual assault cases, from first contact with the police to the eventual imposition of sentence (in cases that persist to the sentencing stage) remains controversial. There is evidence that the reforms introduced in 1983 have addressed some problems. Clearly, much remains to be done. Only continued evaluation research will enable policymakers to effect the necessary changes to the law governing crimes of sexual aggression.

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[10] The site studies commissioned by the Department of Justice Canada provide information on the conviction process. However, they are not national in scope; they cover six sites across the country.

APPENDIX A

SEXUAL ASSAULT TRENDS IN CANADA

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SEXUAL ASSAULT TRENDS IN CANADA

This appendix contains Figures 5 through 17 that were provided by the Canadian Centre for Justice Statistics. Each graph shows the reporting rate for sexual assault, that is, the rate per 100,000 population of incidents known or reported to the police. This is higher than and distinct from the rate of actual offences. The rate of actual offences does not include reports classified as unfounded by the police. They cover the period 1977-1988 and deal with Canada, the provinces and the Northwest Territories.

Figure 5 **Sexual Assault Reporting Rates (1977 - 1988 Canada)**

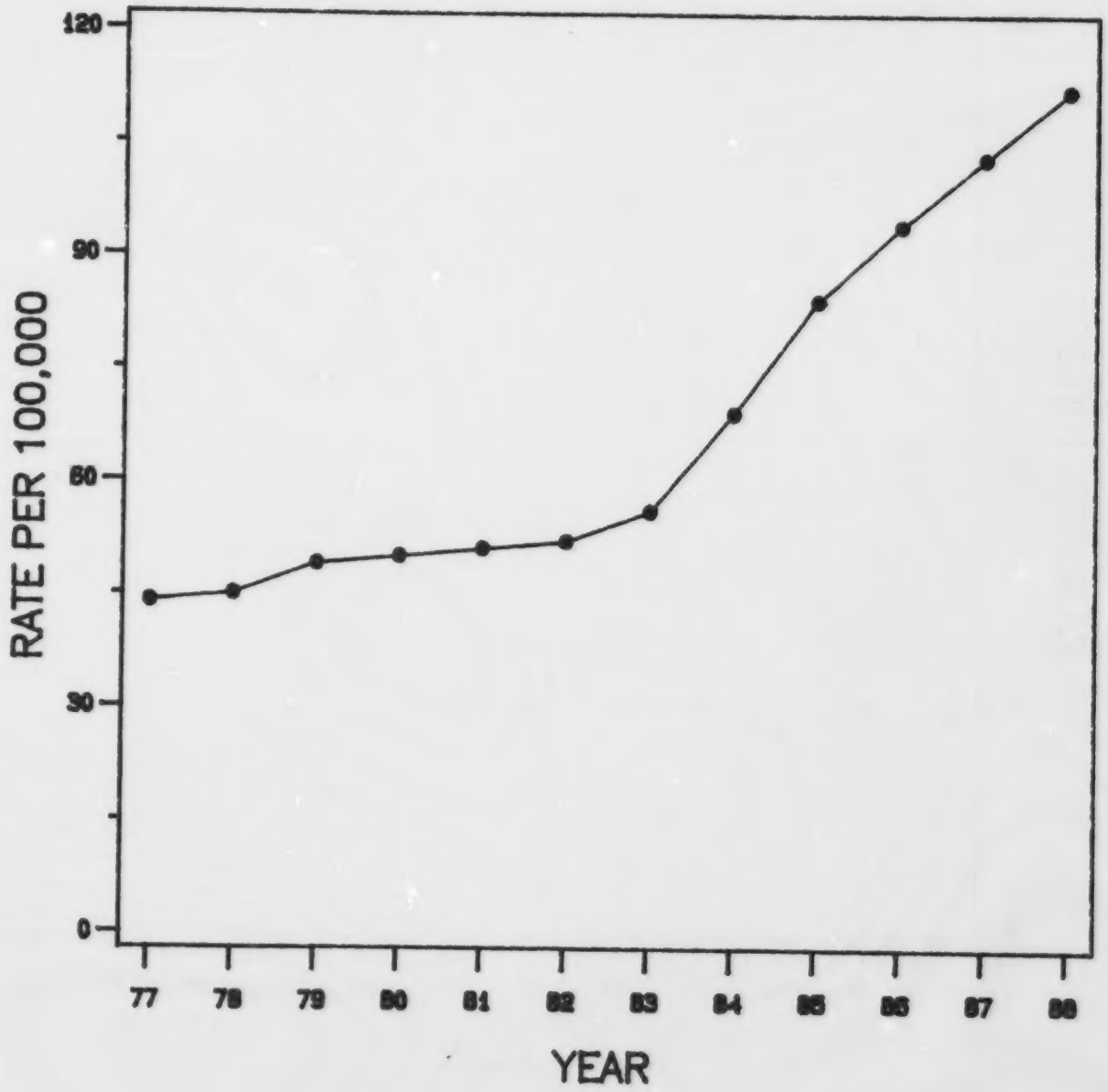


Figure 6 **Sexual Assault Reporting Rates (1977 - 1988 Newfoundland)**

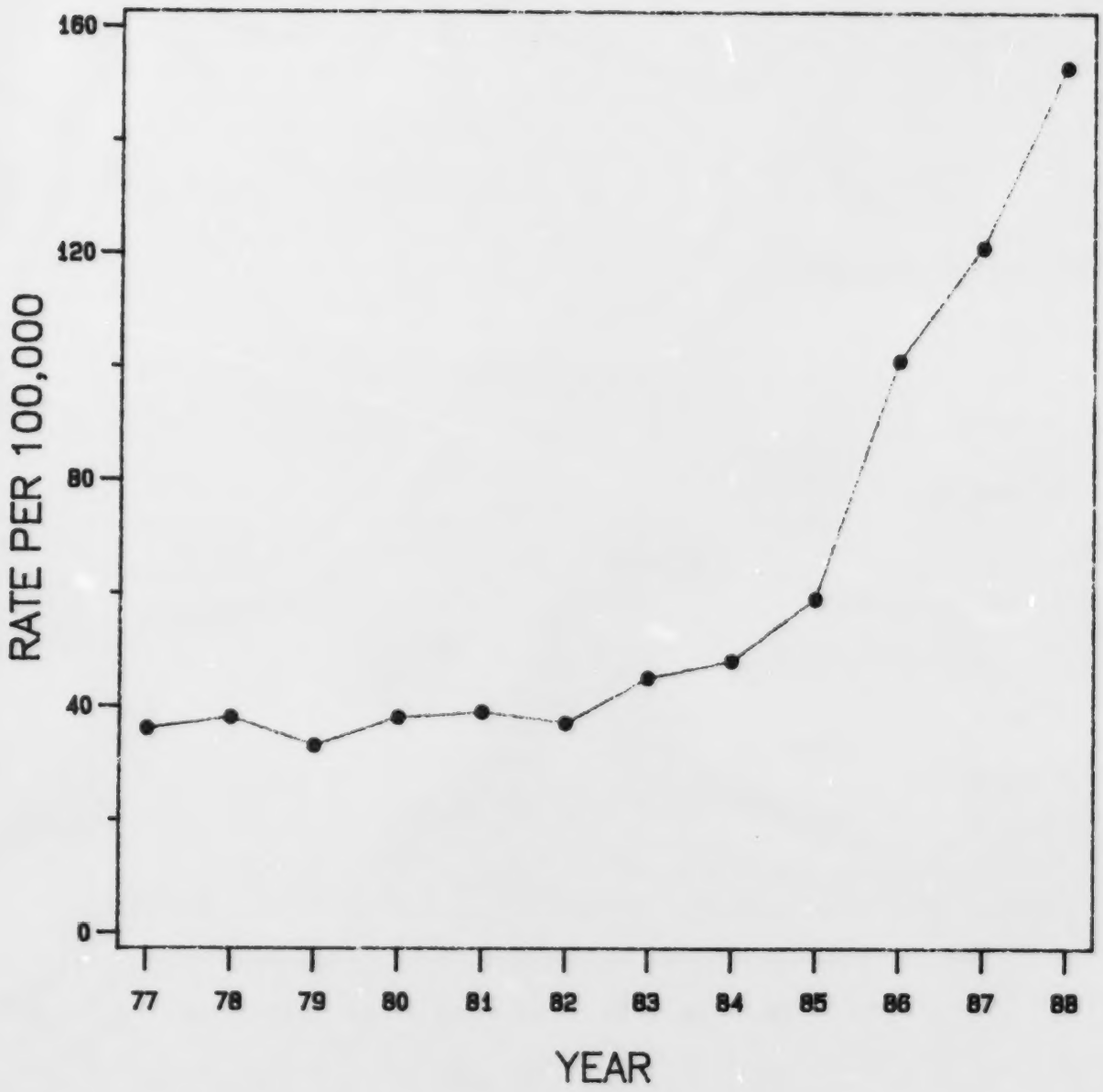


Figure 7 **Sexual Assault Reporting Rates (1977 - 1988 Prince Edward Island)**

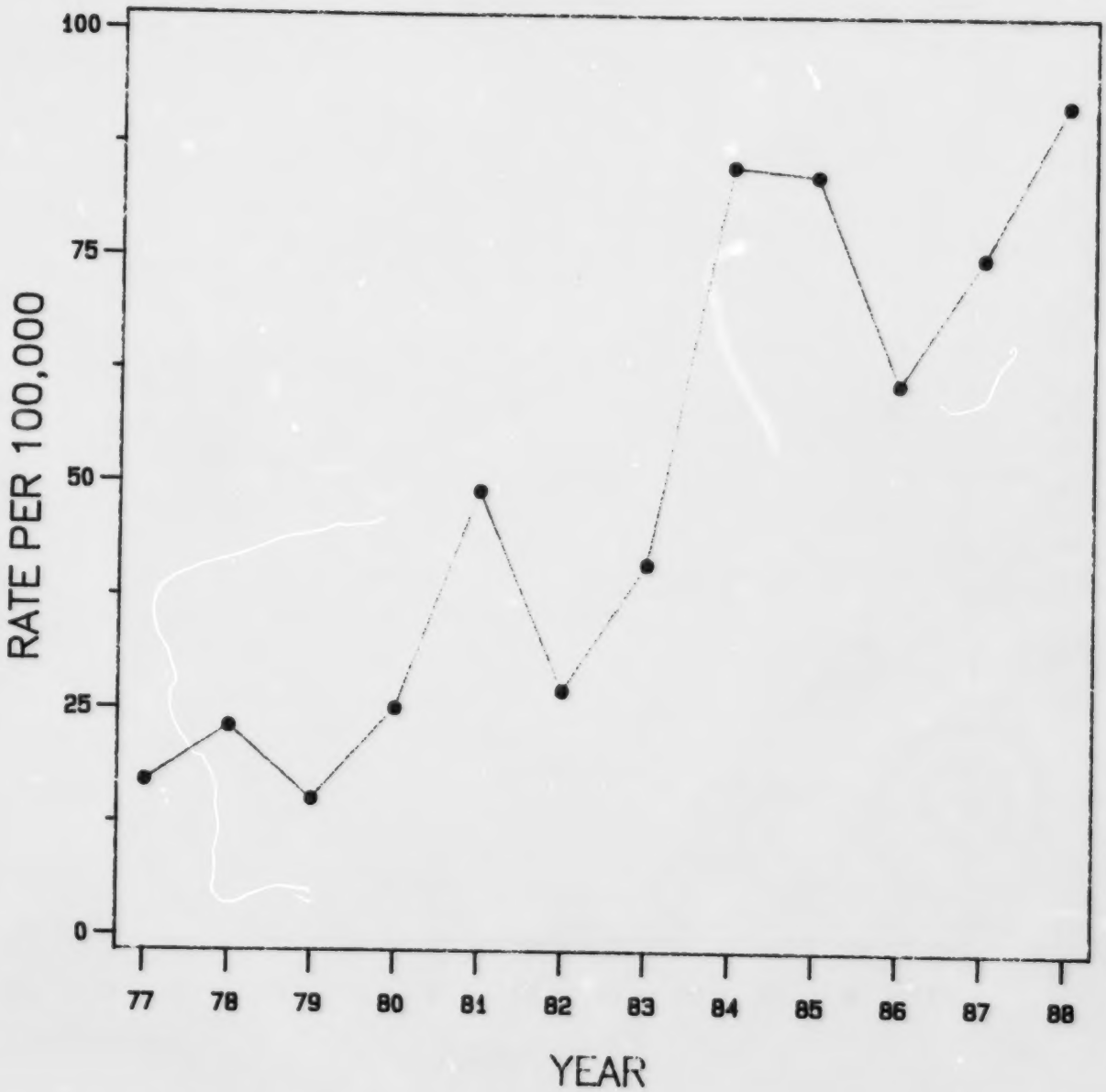


Figure 8 **Sexual Assault Reporting Rates (1977 - 1988 Nova Scotia)**

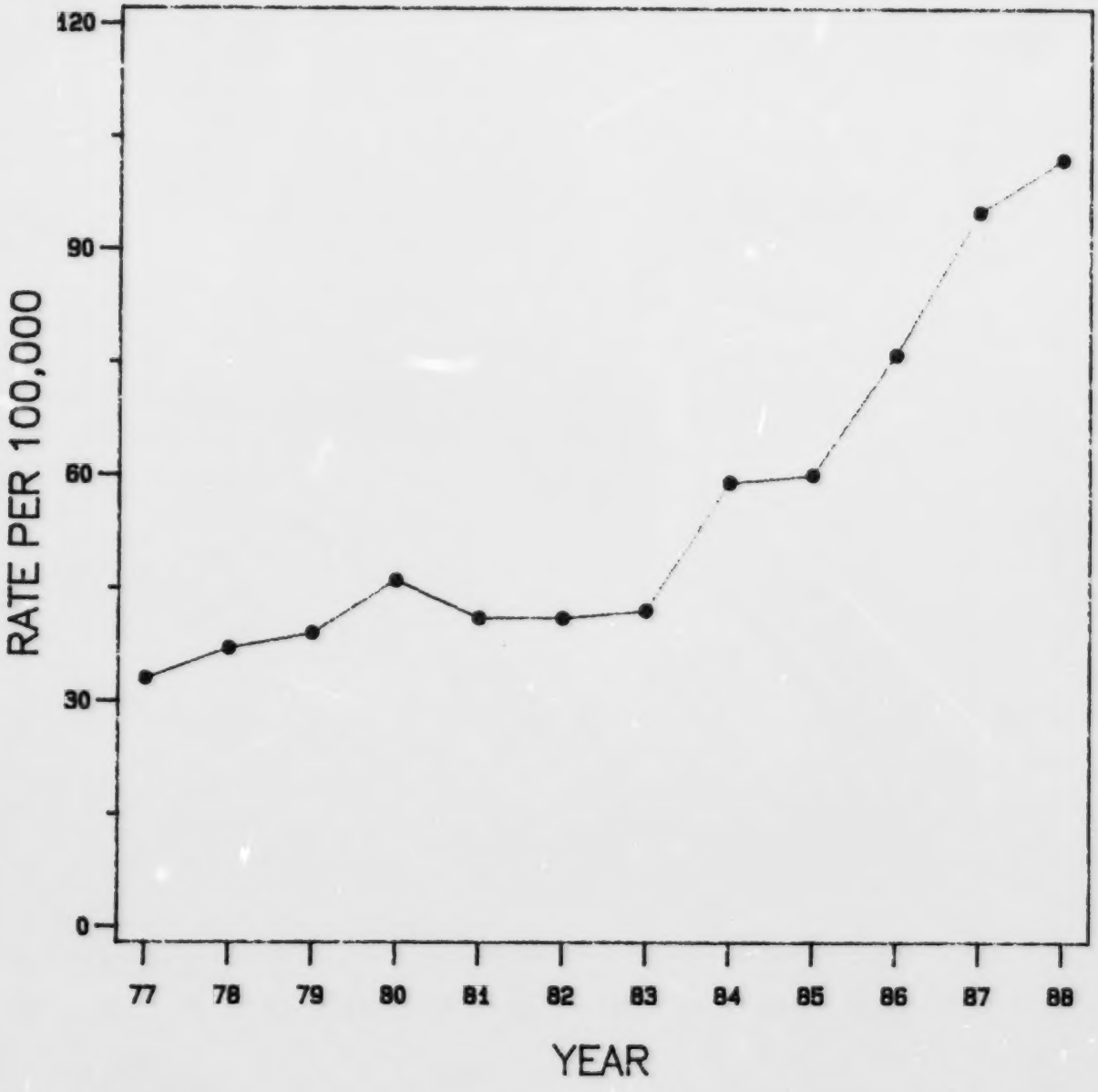


Figure 9 **Sexual Assault Reporting Rates (1977 - 1988 New Brunswick)**

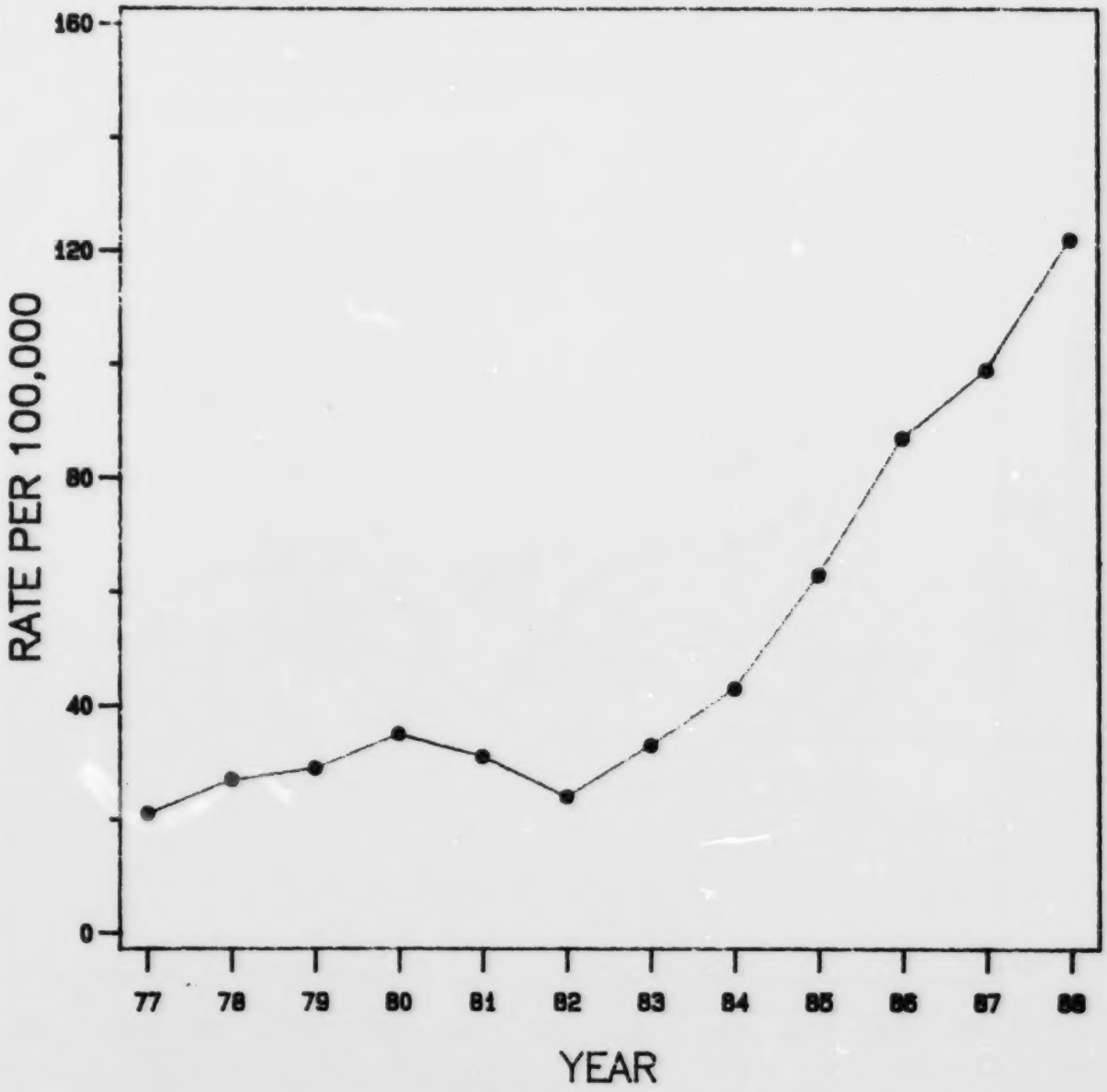


Figure 10 **Sexual Assault Reporting Rates (1977 - 1988 Quebec)**

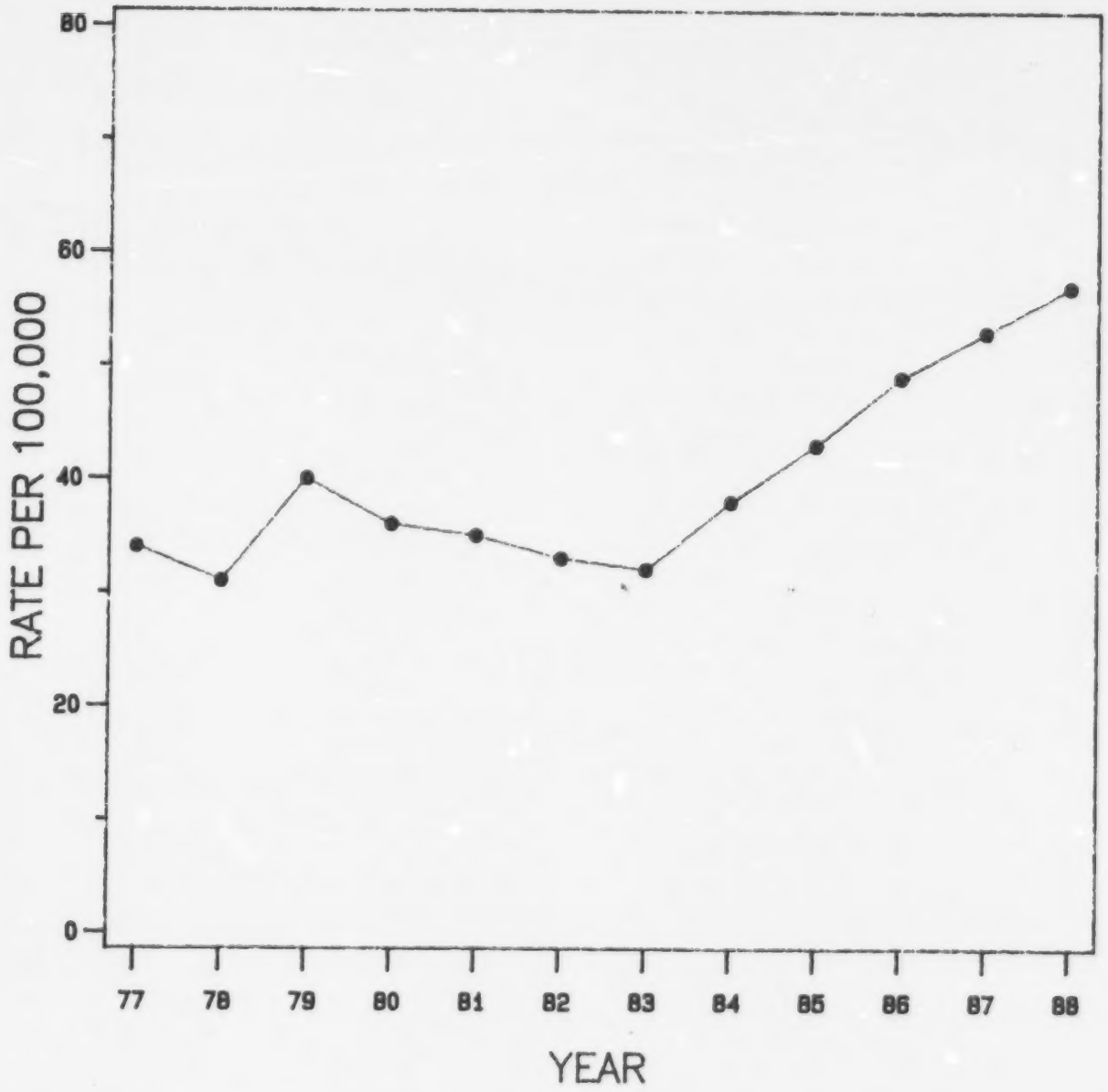


Figure 11 **Sexual Assault Reporting Rates (1977 - 1988 Ontario)**

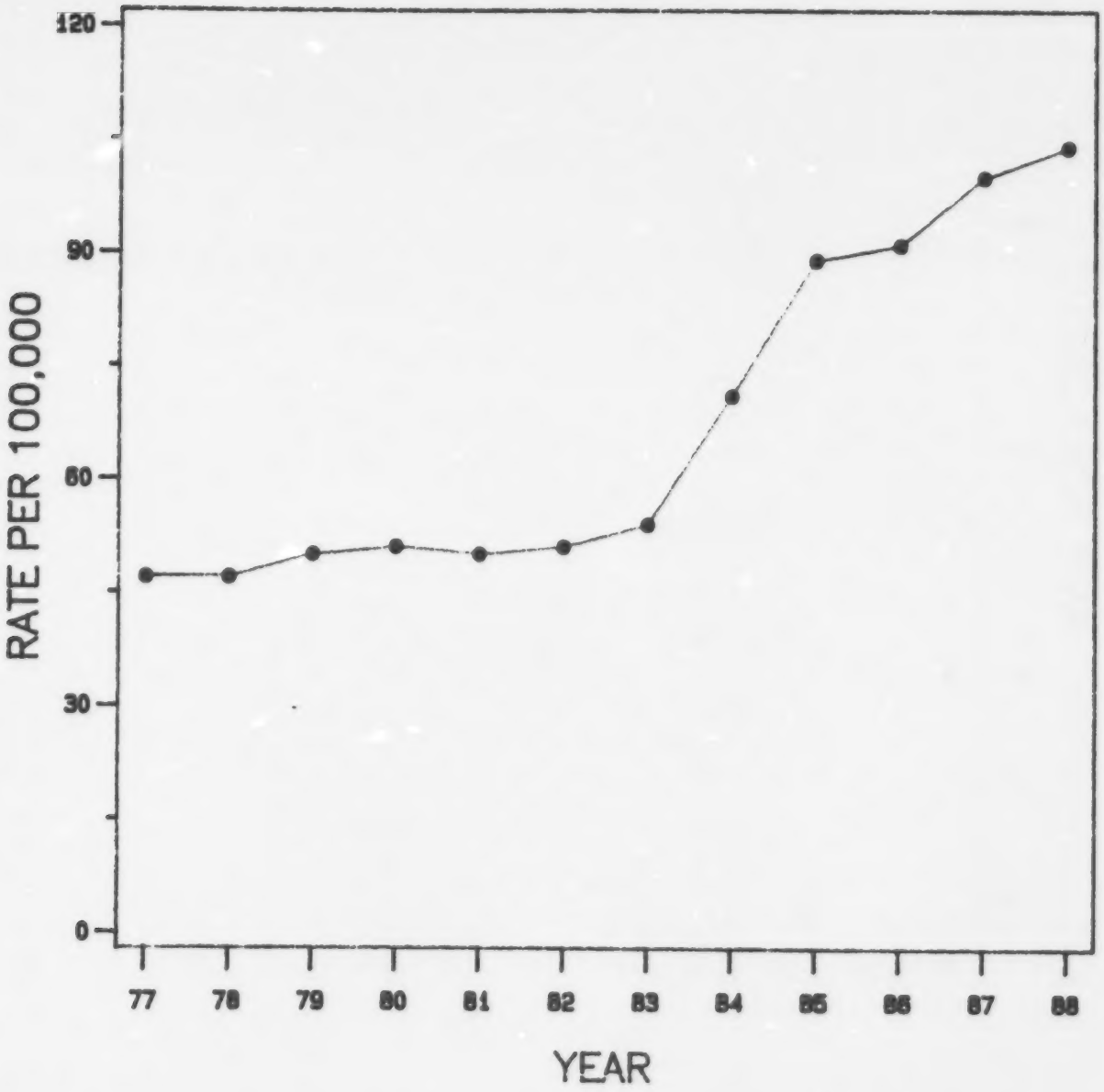


Figure 12 **Sexual Assault Reporting Rates (1977 - 1988 Manitoba)**

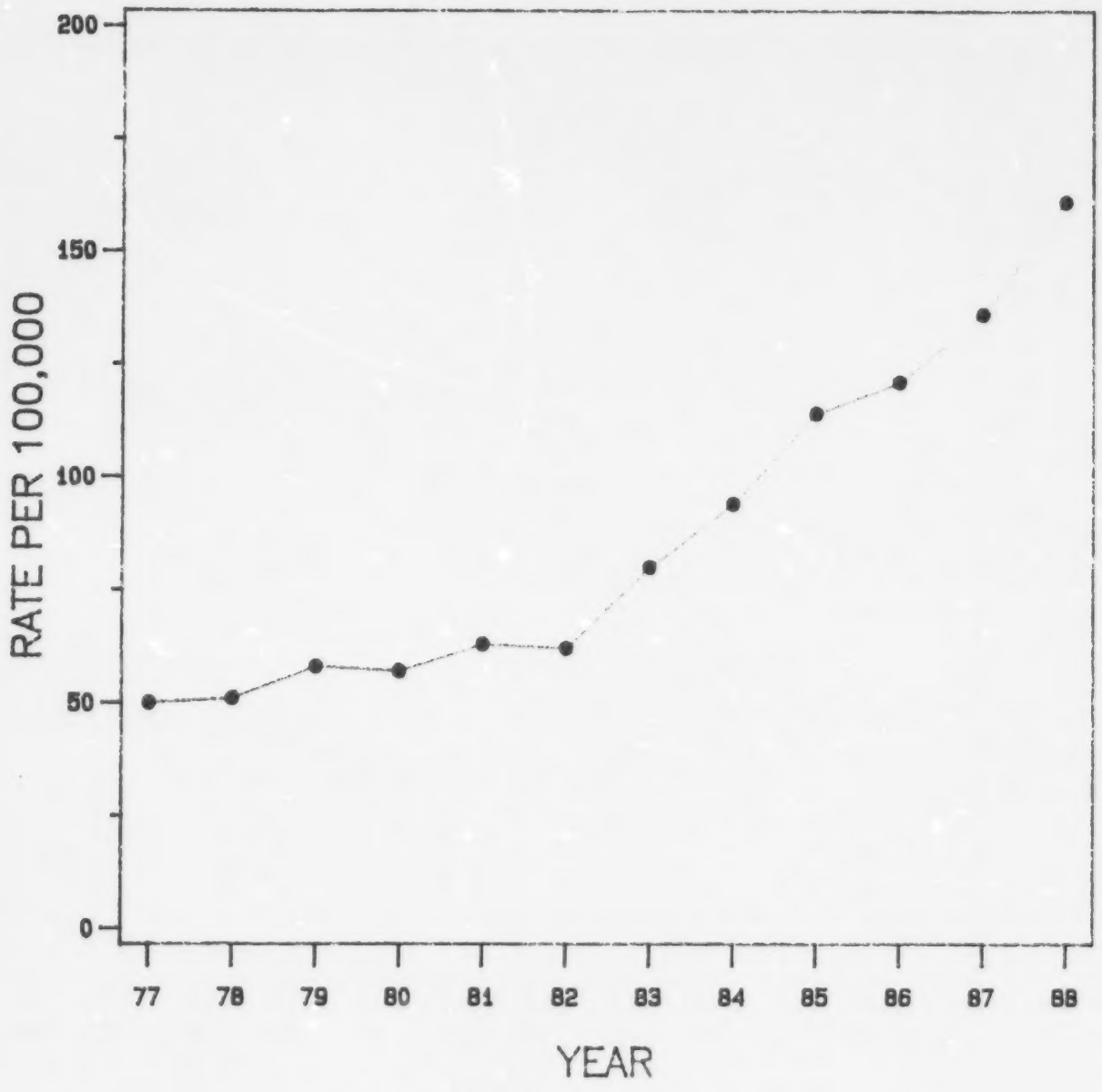


Figure 13 **Sexual Assault Reporting Rates (1977 - 1988 Saskatchewan)**

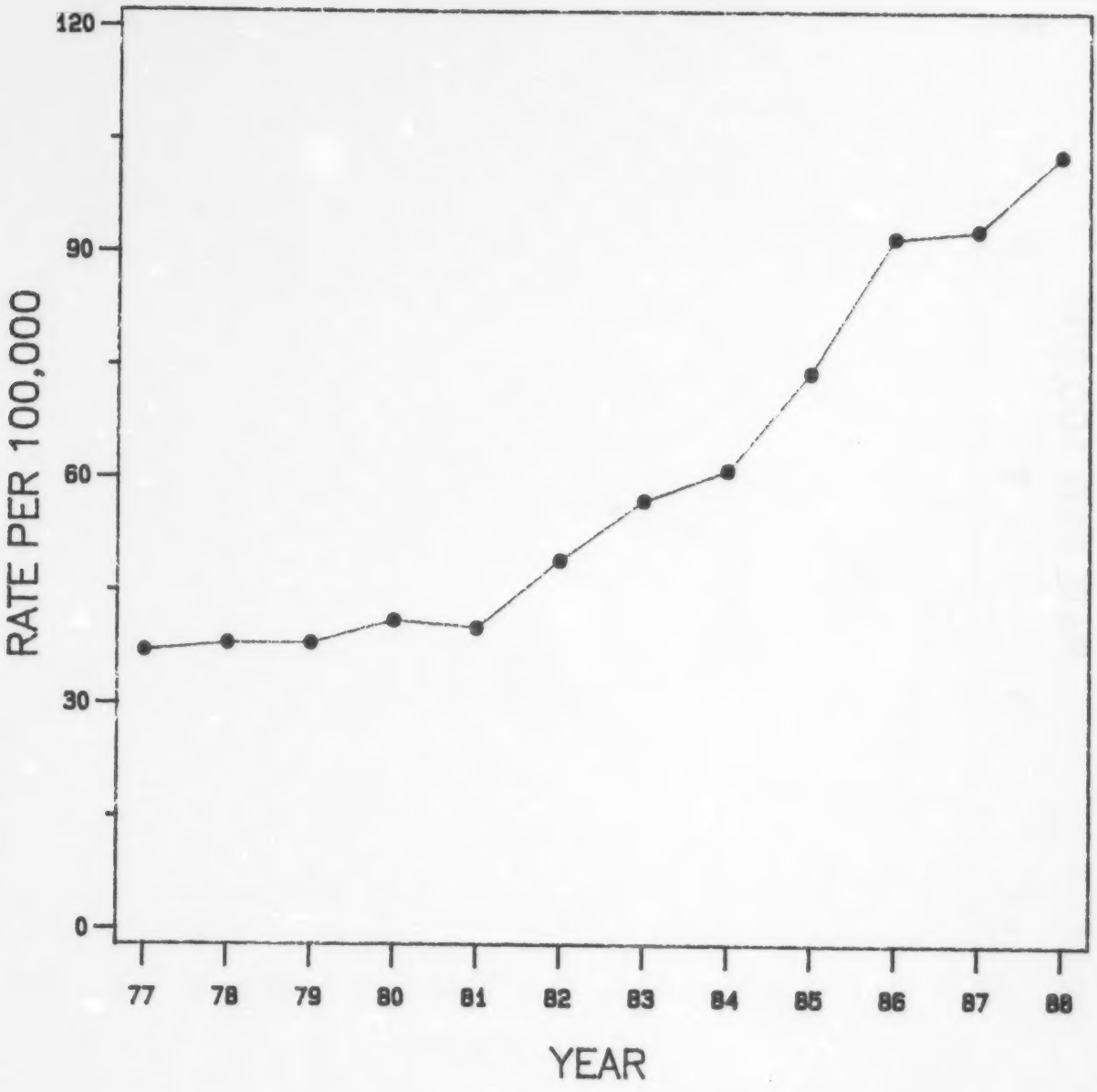


Figure 14 **Sexual Assault Reporting Rates (1977 - 1988 Alberta)**

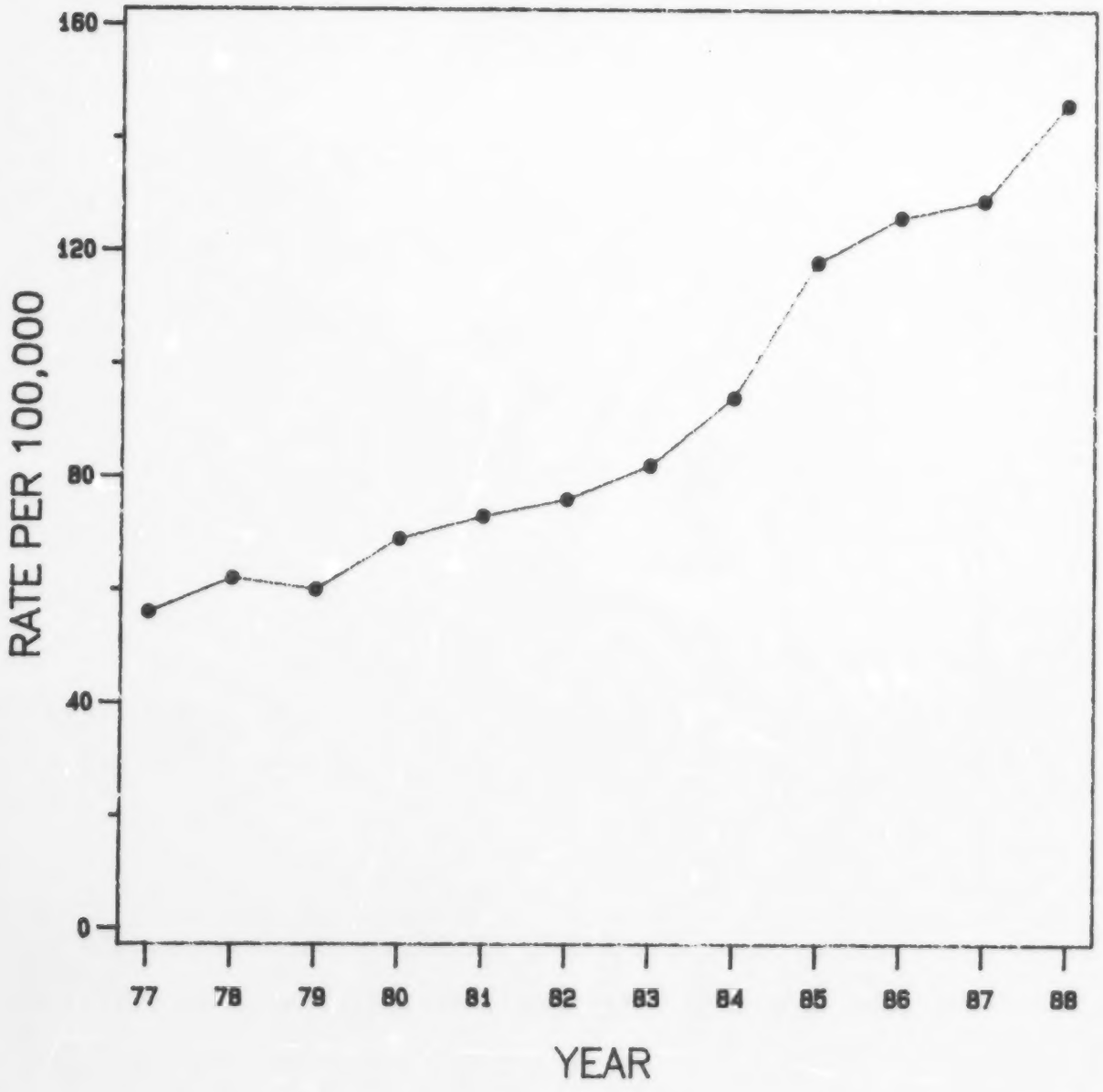


Figure 15 **Sexual Assault Reporting Rates (1977 - 1988 British Columbia)**

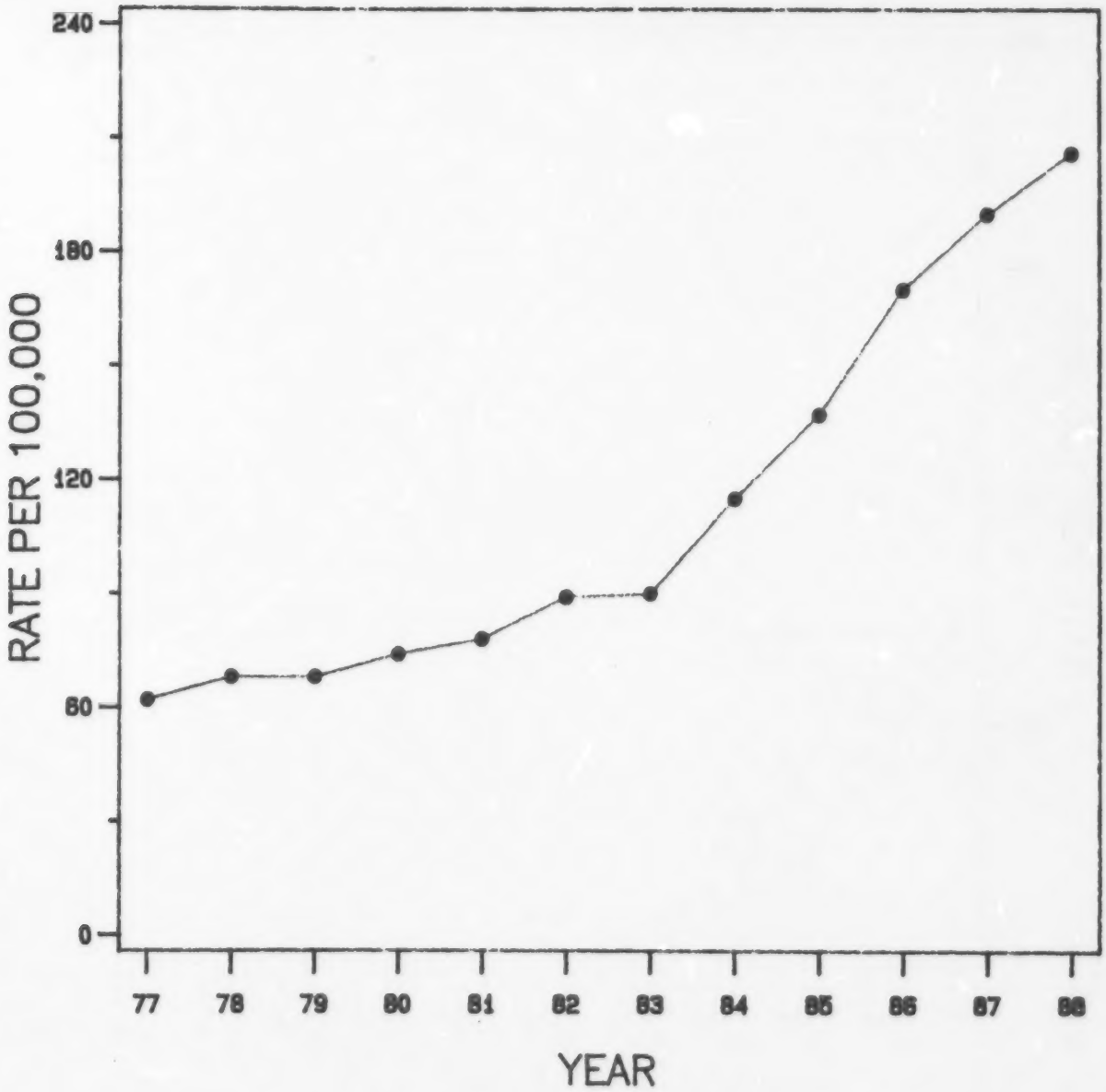


Figure 16 **Sexual Assault Reporting Rates (1977 - 1988 Yukon)**

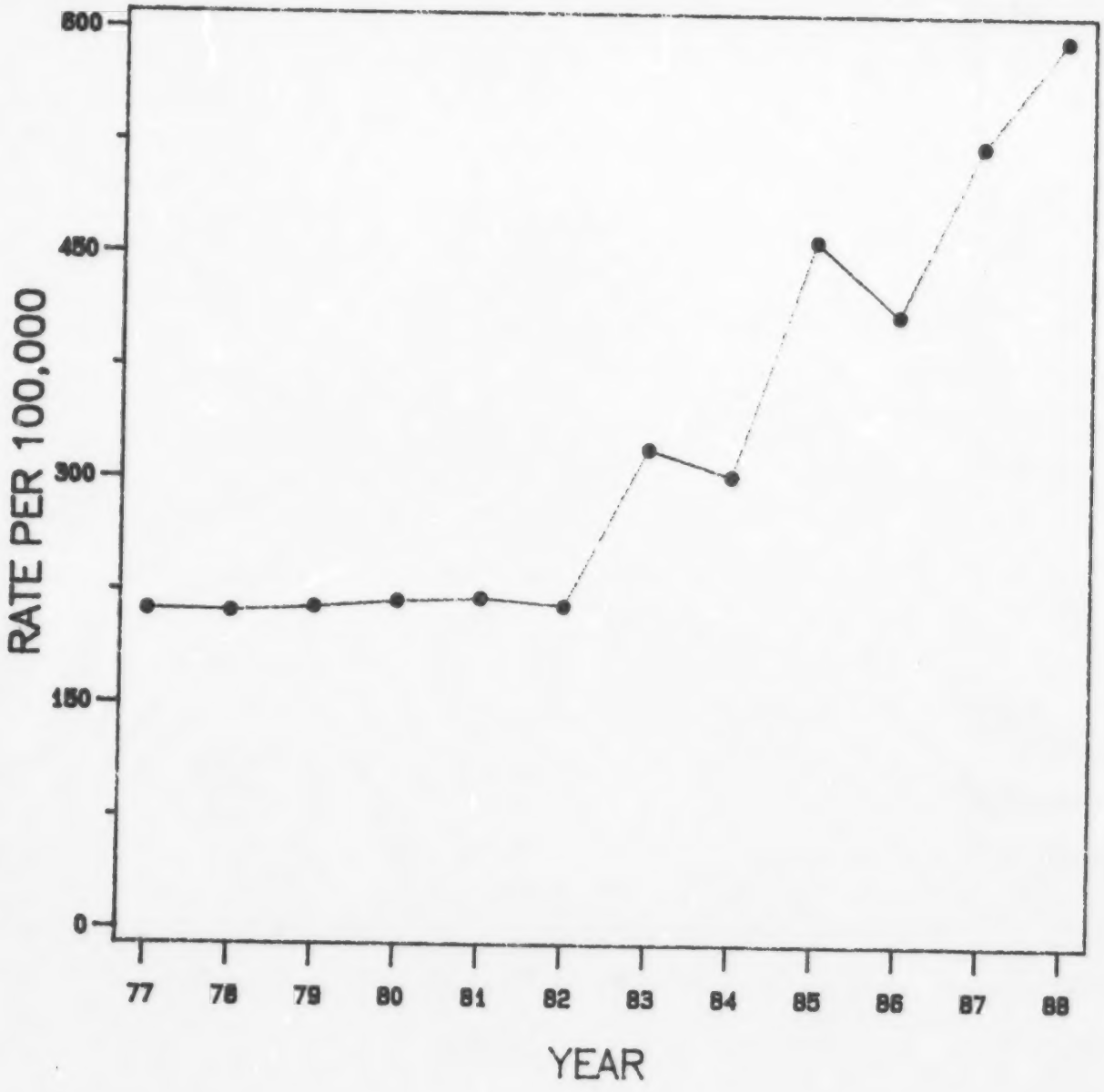
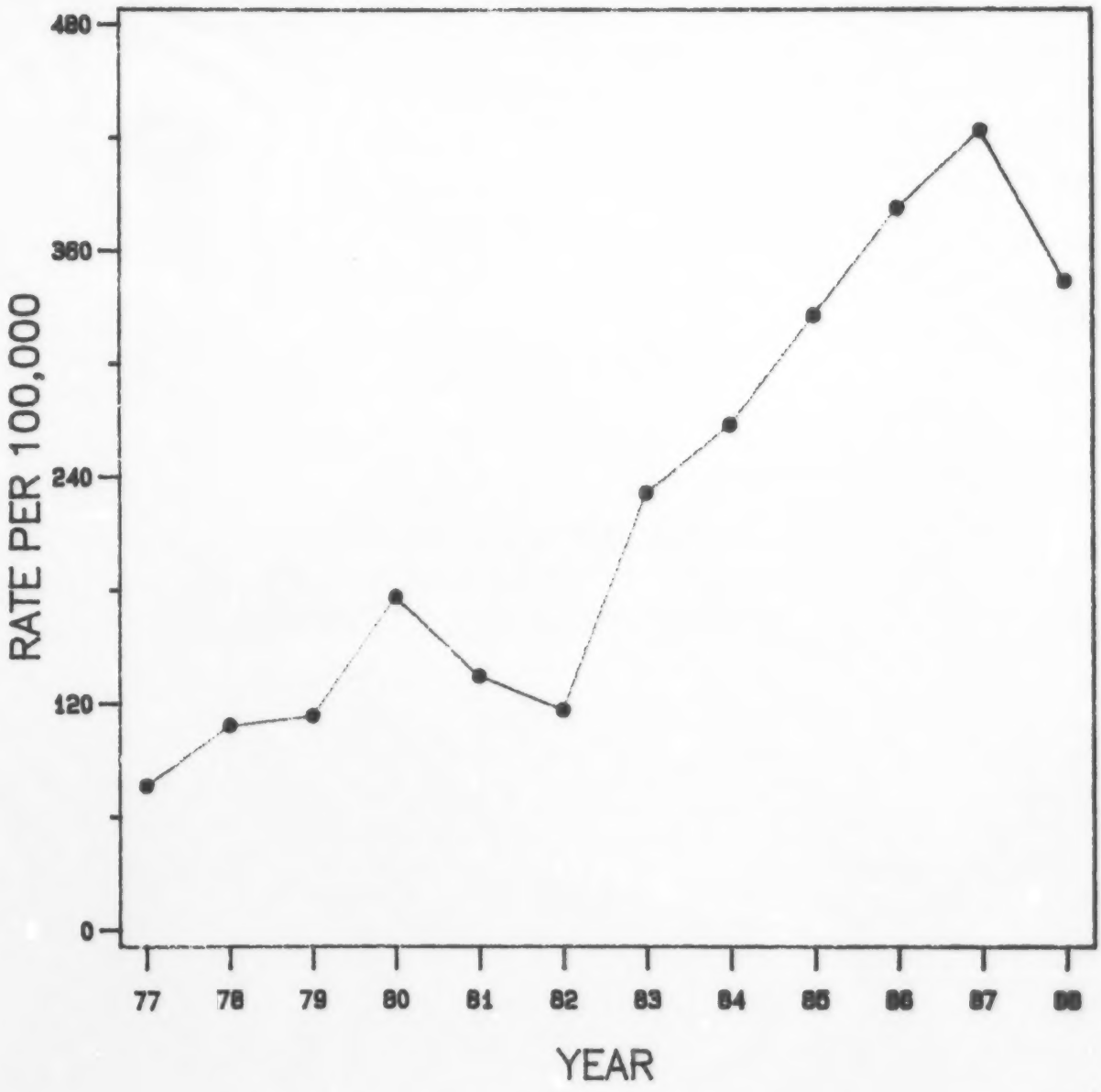


Figure 17 **Sexual Assault Reporting Rates (1977 - 1988 Northwest Territories)**



APPENDIX B

RESEARCH REPORTS FROM THE SEXUAL ASSAULT EVALUATION PROGRAM

RESEARCH REPORTS
FROM THE SEXUAL ASSAULT EVALUATION PROGRAM

Stanley, Marilyn G., The Experience of the Rape Victim with the Criminal Justice System Prior to Bill C-127, *Sexual Assault Legislation in Canada: An Evaluation, Report No. 1*, Department of Justice Canada, Ottawa: July, 1985.

Ruebsaat, Gisela, The New Sexual Assault Offences: Emerging Legal Issues, *Sexual Assault Legislation in Canada: An Evaluation, Report No. 2*, Department of Justice Canada, Ottawa: July, 1985.

Roberts, Julian V., Sentencing Patterns in Cases of Sexual Assault, *Sexual Assault Legislation in Canada: An Evaluation, Report No. 3*, Department of Justice Canada, Ottawa: 1990a.

Roberts, Julian V., An Analysis of National Statistics, *Sexual Assault Legislation in Canada: An Evaluation, Report No. 4*, Department of Justice Canada, Ottawa: 1990b.

Research Section, Department of Justice Canada, Overview, *Sexual Assault Legislation in Canada: An Evaluation, Report No. 5*, Department of Justice Canada, Ottawa: 1990.

Rowley, Susannah W., A Review of the Sexual Assault Case Law, 1985-1988, *Sexual Assault Legislation in Canada: An Evaluation, Report No. 6*, Department of Justice Canada, Ottawa: 1990 -- to be available Summer 1991.

Roberts, Julian V., Homicide and Sexual Assault, *Sexual Assault Legislation in Canada: An Evaluation, Report No. 7*, Department of Justice Canada, Ottawa: 1991 -- to be available Summer 1991.

Working Documents

Baril, Micheline; Bettez, Marie-Josée; Viau, Louise, Sexual Assault Before and After the 1983 Reform: An Evaluation of Practices in the Judicial District of Montreal, Quebec, Department of Justice Canada, Ottawa: November, 1988, WD1991-2a.

Ekos Research Associates Inc., Report on the Treatment of Sexual Assault Cases in Vancouver, Department of Justice Canada, Ottawa: September, 1988a, WD1991-3a.

Ekos Research Associates Inc., Report on the Impacts of the 1983 Sexual Assault Legislation in Hamilton-Wentworth, Department of Justice Canada, Ottawa: July, 1988b, WD1991-4a.

J. and J. Research Associates Ltd., An Evaluation of the Sexual Assault Provisions of Bill C-127, Fredericton and Saint John, New Brunswick, Department of Justice Canada, Ottawa: November, 1988, WD1991-5a.

University of Manitoba Research Ltd., Report on the Impact of the 1983 Sexual Assault Legislation in Lethbridge, Alberta, Department of Justice Canada, Ottawa: August, 1988a, WD1991-6a.

University of Manitoba Research Ltd., Report on the Impact of the 1983 Sexual Assault Legislation in Winnipeg, Manitoba, Department of Justice Canada, Ottawa: September, 1988b, WD1991-7a.

CS/RESORS Consulting Ltd., The Impact of Legislative Change on Survivors of Sexual Assault: A Survey of Front Line Agencies, Department of Justice Canada, Ottawa: November, 1988, WD1991-8a.

APPENDIX C

CANADIAN POPULATION GROWTH (1977-1988) AND RESULTS OF STATISTICAL TESTS ON UNIFORM CRIME DATA[1]

Provided by
Canadian Centre for Justice Statistics

[1] These statistics refer to the data provided in the text of this report.

Table 12 **Population Figures for Canada and the Provinces (in thousands)**

	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
CANADA	23,273	23,517	23,747	24,043	24,342	24,632	24,885	25,124	25,359	25,591	25,617	25,912
NFLD.	560	562	564	566	568	569	576	579	580	580	568	568
P.E.I.	119	121	122	123	123	123	124	126	127	128	127	129
N.S.	833	838	842	845	847	852	862	872	881	884	878	883
N.B.	684	688	692	695	696	699	708	714	719	721	712	714
QUE.	6,284	6,302	6,339	6,386	6,438	6,480	6,510	6,542	6,581	6,627	6,593	6,638
ONT.	8,353	8,440	8,501	8,570	8,652	8,716	8,825	8,947	9,066	9,182	9,265	9,426
MAN.	1,027	1,032	1,028	1,025	1,026	1,035	1,048	1,058	1,070	1,079	1,079	1,084
SASK.	935	944	951	959	968	979	994	1,009	1,020	1,021	1,016	1,013
ALTA.	1,913	1,983	2,053	2,141	2,237	2,319	2,347	2,341	2,349	2,390	2,378	2,395
B.C.	2,499	2,542	2,589	2,666	2,744	2,791	2,821	2,865	2,893	2,906	2,925	2,984
Y.T.	22	23	22	22	23	24	22	22	23	23	25	25
N.W.T.	43	44	44	45	46	47	49	50	51	51	52	52

Table 13 Results of Statistical Tests on Uniform Crime Report Data

	REPORTED[1] OFFENCES rate[2]	UNFOUNDED OFFENCES per cent	ACTUAL OFFENCES rate	CLEARED BY CHARGE per cent
CANADA	+++	+	+++	+++
NFLD.	+++	++	+++	+
P.E.I.	--	+++	--	++
N.S.	++	--	++	+
N.B.	+++	--	+++	++
QUE.	--	--	+++	+++
ONT.	++	--	+++	--
MAN.	+++	--	+++	+++
SASK.	+++	++	+++	--
ALTA.	++	--	+++	--
B.C.	+++	+++	+++	+++
Y.T.	+++	--	+++	--
N.W.T.	+++	+++	+++	--

+	significant < .1
++	significant < .05
+++	significant < .01
--	not significant

[1] See text for definitions of terms.
[2] Rate per 100,000 population.

APPENDIX D

ACTS OF SEXUAL AGGRESSION

ACTS OF SEXUAL AGGRESSION

The following table is a listing of sexual offences as they existed during each of three years; 1982, 1983, and 1988. This is not an attempt to accurately trace the history of proclamation, amendments, and repeal dates. Changes in offence categories between 1982 and 1983 accompanied the introduction of Bill C-127; however, not all offences that disappeared by column 3 were repealed by the 1988 proclamation of Bill C-15.

Section numbers were revised in 1985 (R.S.C. 1985, c. C-46), sometimes with a change in the wording of the offence, but not always. This is evident in the accompanying alphabetical listing of section numbers before and after 1985 for each offence category.

This table is useful for assessing national statistics and other data related to acts of sexual aggression. The second category of offences offers an interpretation of the data category "other sexual offences" defined by Statistics Canada. Over the ten year period leading up to 1988, at no time did the category "other sexual offences" exceed nine per cent of total sexual offences reported to police. In addition, reporting rates in this category demonstrate an increase comparable to reporting rates for rape/attempted rape/indecent assault; and the three levels of sexual assault.

Lastly, the table offers an opportunity to quickly assess charging alternatives for acts of sexual aggression and related offences during these three years.

SUBSTANTIVE SEXUAL OFFENCES

1982	1983	1988
Rape/Attempted rape		
Indecent assault female		
Indecent assault male		
	Sexual assault I	Sexual assault I (amended)
	Sexual assault II	Sexual assault II
	Sexual assault III	Sexual assault III
Buggery/Bestiality	Buggery/Bestiality	Bestiality
Acts of gross indecency	Acts of gross indecency	Anal intercourse
Incest	Incest	Incest
		Sexual interference under 14 years
		Invitation to sexual touching under 14 years
		Sexual Exploitation
Sexual intercourse with a female under 14 years; Sexual intercourse with a female btw. 14 and 16 years	Sexual intercourse with a female under 14 years; Sexual intercourse with a female btw. 14 and 16 years	
Sexual intercourse with feeble-minded		

1982	1983	1988
Seduction of a female btw. 16 and 18 years	Seduction of a female btw. 16 and 18 years	
Seduction under promise of marriage	Seduction under promise of marriage	
Sexual intercourse with stepdaughter or female employee	Sexual intercourse with stepdaughter or female employee	
Seduction of female passengers on vessels	Seduction of female passengers on vessels	
Parent or guardian procuring defilement	Parent or guardian procuring defilement	Parent or guardian procuring sexual activity
Householder permitting defilement	Householder permitting defilement	Householder permitting sexual activity
Abduction of female		
Abduction of female under 16 years	Abduction of person under 16 years	Abduction of person under 16 years
Abduction of child under 14 years	Abduction of person under 14 years	Abduction of person under 14 years
		Exposure to person under 14 years
Offences in relation to juvenile prostitution	Offences in relation to juvenile prostitution	Offences in relation to juvenile prostitution (amended)

SECTION NUMBERS

Abduction of female -- s. 248

Abduction of female under 16/Abduction of person under 16 -- s. 249/s. 280

Abduction of child under 14/Abduction of person under 14 -- s. 250/s. 281

Acts of gross indecency -- s. 157/s. 161

Anal intercourse -- s. 159

Attempted rape -- s. 145

Buggery and bestiality/Bestiality -- s. 155/s. 160

Householder permitting defilement/Householder permitting sexual activity -- s. 167/s. 171

Incest -- s. 150/s. 155

Indecent assault female -- s. 156

Indecent assault male -- s. 156

Invitation to sexual touching under 14 -- s. 141/s. 152

Offences in relation to juvenile prostitution -- s. 195/s. 212

Parent or guardian procuring defilement/Parent or guardian procuring sexual activity -- s. 166/s.170

Rape -- s. 143

Seduction of a female btw. 16 and 18 -- s. 151/s. 156

Seduction of female passengers on vessels -- s. 154/s. 159

Seduction under promise of marriage -- s. 152/s. 157

Sexual assault I -- s. 246.1/s. 271

Sexual assault II -- s. 246.2/s. 272

Sexual assault III -- s. 246.3/s. 273

Sexual exploitation -- s. 146/s. 153

Sexual intercourse with feeble-minded -- s. 148

Sexual intercourse with a female under 14 years; Sexual intercourse with a female btw. 14 and 16 -- s. 146/s. 153

Sexual intercourse with stepdaughter or female employee -- s. 153/s. 158

Sexual interference under 14 -- s. 140/s. 151

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